

Admin of Justice

**COMMUNITY
AND THE
JUSTICE
SYSTEM**

TAFT COLLEGE

Community and the Justice System

An Open Educational Resources Publication by Taft College

Authored and compiled by Dave Wymore & Tabitha Raber

Copy Editor and Design: Trudi Radtke

Editor: M. L. Jiles MPA, PhD

Version 1

2019



Acknowledgements

We would like to extend appreciation to the following people and organizations for allowing this textbook to be created:

Taft College

Written & Compiled by:
Dave Wymore and Tabitha Raber

Special Thank You to Copy Editor **Trudi Radtke** for formatting, readability, and aesthetics.

Editor: M. L. Jiles, MPA, PhD

*Unless otherwise noted, the content in this textbook is licensed under [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/)



Preface

Welcome to Community and the Justice System at Taft Community College.

This textbook was designed especially for Taft Community College Administration of Justice students. The following chapters will cover topics such as: community policing, social dynamics, multiculturalism, society.

There are two types of interactive features in this book to help you, the student, engage with the various concepts and procedures behind the duties law enforcement officers.

1.



Pin It! Boxes

These boxes refer to information that you should mentally “pin” for later. Remembering the information included in pin it boxes will help you better understand following textbook material.

2.



Think About It . . . Boxes

Think about it boxes encourage you to do just that, think about the information provided in the box and form an opinion. Often what’s placed in these boxes are ideas or issues that are controversial, such as the death penalty or immigration concerns. Sometimes these topics can be difficult to think about objectively because they are emotionally charged. However, taking a moment to consider your values and beliefs and how they affect your opinions and decision making, produces mental stamina which is an important skill for anyone interested in a career in the Justice system. Remember, the brain is a muscle too.

“I am in favor of community policing because it builds better working relationships with the communities.”

- Vincent Frank

Table of Contents

Community and the Justice System	2
Acknowledgements	3
Preface	4
Chapter 1 - The Criminal Justice System and the Community	8
1.1 - The meaning of relations and the need for community interaction.....	8
1.2 - Conflicts between the Community and the Criminal Justice System.....	10
1.3 - The Evolving Nature of Multiculturalism	11
1.4 - Change and Tension, Minorities Struggle for Power	12
1.5 - Changes in Make-up of Administration of Justice Agencies.....	14
1.6 - Professional Image in Criminal Justice	18
Chapter 2 - Improving Human Relations and Understanding Non-verbal Communication	24
2.1 - Improving Human Relations in Policing	24
2.2 – Communication in Common Police Practice	25
2.3 – Interpersonal Skills Training in Law Enforcement.....	27
2.4 – Human Relations Commissions and Guidelines	28
2.5 – Non-Verbal Communication	31
Chapter 3 – Evolving Nature of Multiculturalism and Community Engagement	52
3.1 - What is a Culture?.....	52
3.2 - History of Evolution of Multiculturalism in the United States	52
3.3 - Policing Challenges Present in a Multicultural Society	54
3.4 - Community Engagement	55
3.5 - Police Personnel Management in a Multicultural Society - Why Diversity in Law Enforcement Matters.....	57
Chapter 4 – Multicultural Populations.....	73
4.1 - Law Enforcement contact with ethnic groups	73
4.2 - Americans of Asian/Pacific Island Decent	78
4.3 - African Americans and the Criminal Justice System	79
4.4 - Americans of Hispanic Decent.....	83

4.5 - Americans of Middle Eastern / Indian decent	85
4.6 - Native Americans	86
4.7 - Other Key Minority Groups and Special Populations	93
Chapter 5 – Understanding Dynamics of a Community	102
5.1 - Key elements of Socialization community	102
5.2 - Factors That Make People Different	107
5.3 - Economics: A Different Justice for Rich and Poor	111
5.4 - Community Power Structure	111
5.5 - Analysis of Community Problems.....	112
Chapter 6 – Policing and Policed Community.....	120
6.1 - Ethnic, Racial and Minority Issues within the Workforce of a Law Enforcement Agency	120
6.2 - Recruitment, Retention, and Promotion of a Diverse Work Force	121
6.3 - Police Knowledge of Cultural Groups.....	125
6.4 - Racial Profiling.....	127
6.5 - Community- Based Policing Plans	129
Chapter 7 – Courts and Community.....	133
7.1 – Rule of Law	133
7.2 – Traditional American Courts.....	136
7.3 – Community Courts	140
7.4 – Race and the Courts.....	145
Chapter 8 – Managing Culturally Diverse and Specific Populations in Correctional Settings	154
8.1 - History and Purpose of American Correctional System	154
8.2 - Return to the Rehabilitative Philosophy	157
8.3 - What it means to be Culturally Competent	159
8.4 - Female inmates.....	162
8.5 - Homosexual and Transgender Inmates	163
8.6 - Religious Inmates.....	166
8.7 - Myths and Stereotypes of Inmates and the Prison System.....	167

Chapter 9 - Multicultural Treatment Considerations in Corrections	173
9.1 - Culturally Responsive Evaluation and Treatment Planning.....	173
9.2 - Counseling for Races Introduction	180
9.3 - Treatment for Black Americans	181
9.4 - Counseling for Asian Americans, Native Hawaiians, and Other Pacific Islanders	186
9.5 - Counseling for Hispanics and Latinos	193
9.6 - Counseling for Native Americans	201
9.7 - Counseling for White Americans	208
Chapter 10 – Strategies for Facilitating Conflict Resolution in a Multicultural Society	217
10.1 - Awareness	217
10.2 - Communication.....	218
10.3 - Community Based Intervention	219
10.4 - Education	220
10.5 - Enforcement	223
10.6 - Engagement	224
10.7 - Relationship	224
10.8 - Reintegration	225
10.9 - Visible Presence	228
Endnotes	231

Chapter 1 - The Criminal Justice System and the Community

Key Learning Objectives:

- Identify the responsibilities law enforcement departments and individuals officer have to the community they serve.
- Explain the implications of police subculture and how it influences an officer's interaction with the community.
- Explain how America has become a multicultural society and the impact on how law enforcement departments counteract tensions and struggles for power in these evolving communities.
- Explain the importance of having a diverse police force, the benefits, and concerns associated with diversity.
- Identify how improved police standards can improve community relations in multicultural societies.

1.1 - The meaning of relations and the need for community interactionⁱ

The relationship between the American public and law enforcement, particularly its violent nature, has been under continual re-examination. Police-citizen violence and related concerns are prime topics of conversation wherever law enforcement professionals gather to discuss problems. Many police departments have made reviewing their use of force a top priority. Moreover, major civil rights organizations have made a priority of responding to police use of deadly force.

The dimensions of this issue reflect the amount of research and analyses devoted to it by criminal justice researchers and scholarly journals. In addition, even a casual reading of the Nation's newspapers often yields accounts of confrontations between police and citizens over the use of deadly force in situations where racial and ethnic tensions create additional complications or difficulties. Television news programs sometimes provide dramatic supporting videos, graphically depicting the resulting tensions in a community.

Why has the relationship between law enforcement and citizens come under such scrutiny? One reason is the significant number of killings by and of police officers in recent years. A second factor is changes affecting municipal and civil liability, which have put cities and employees of local governments under greater legal jeopardy where use of force is applied.

Another important factor is a succession of court rulings placing more restrictions on police use of firearms, including the 1985 Supreme Court decision in *(Tennessee v. Garner)*, which invalidated parts of many states' rules for shooting at fleeing felons. Still another reason is the increasing primacy given to preserving life as a value underlying the concept of policing. There is also a movement to modernize and improve police work from within the profession itself, partly in reaction to the above incidents but also as a general response to larger changes in U.S. society.

What is the sequence of events in the criminal justice system?

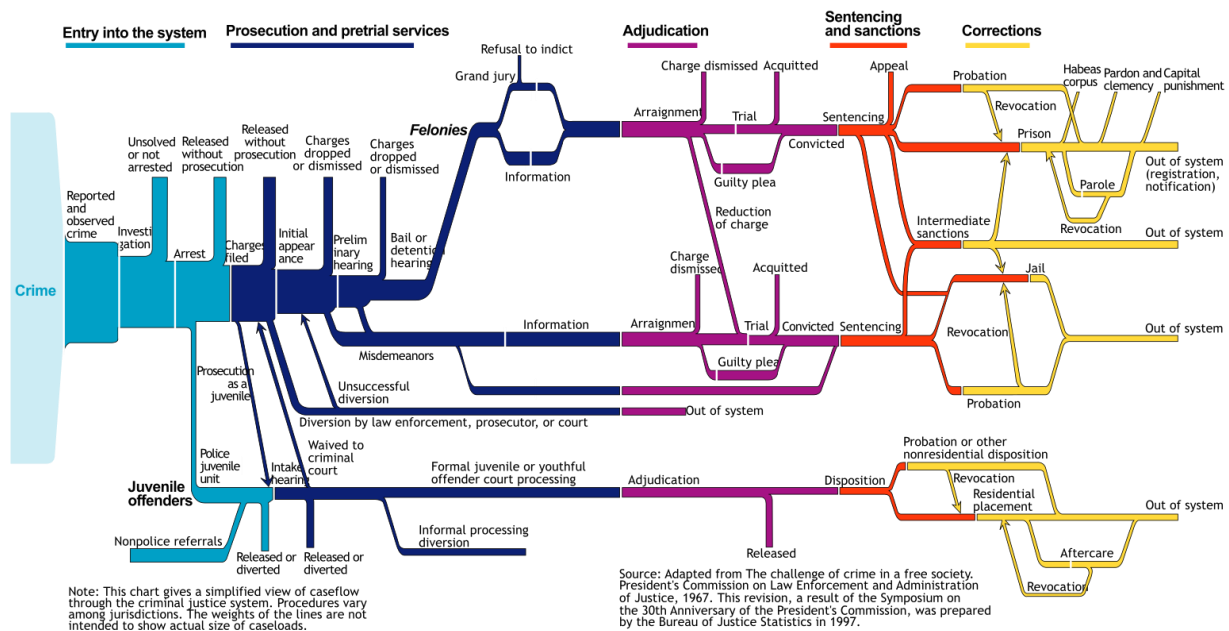


Figure 1.1 American Criminal justice system flowchart. Image is in the public domain.

Two premises underlie the approaches to policing discussed in this publication. One is that the police, by virtue of the authority that society vests in them, have overarching responsibility for the outcome of encounters with citizens. This in no way ignores the fact that the police must deal with such groups as criminals, persons under the influence of alcohol and drugs, law-abiding citizens, and persons with mental impairment. The second and main premise is that good policing must take into consideration two equally important factors: the values on which a police department operates, as well as the practices it follows.

In addition to adopting a set of values, it is equally important that police departments clearly and publicly state those values. This sets forth a department's philosophy of policing and its commitment to high standards for all to know and understand. To be significant, these values must be known to all members of the community as well as all members of the police department. In addition, a department's values must incorporate citizens' expectations, desires,

and preferences. A department's policies and practices flow from its values. Without clear values, it is unlikely that practices will be focused.

Police Departments and Community leaders must take into account that there are no philosophies or practices that will anticipate the entire range of human behavior that officers might encounter in the course of police work. It is also understood that, ultimately, the police officer's judgment will be the deciding factor in most cases. However, enough relevant experience and information exists that officers can be given practical guidance that in many instances will help to avoid situations escalating to violence.

It should also be emphasized that the safety of police officers is recognized as a fundamental concern. No responsible citizen expects a police officer to risk his or her life unnecessarily or foolishly. And no police chief worthy of the responsibility would adopt policies or practices that expose officers to undue risk. Reverence for all human life and safeguarding the guarantees of the Constitution and laws of the United States are important values in policing.

Police Departments can promote the adoption of policies and practices that afford maximum protection to officers and citizens. The policies need to be based on the principle that good policing involves a partnership between police and citizens. Police cannot carry out their responsibility acting alone. In addition, it must be emphasized that no police department that permits its officers to use unnecessary force against citizens can hope to gain their support. Only when sound values, mutual respect, and trust are shared--among all groups that make up the community--can the police-citizen partnership work, as it should.

1.2 - Conflicts between the Community and the Criminal Justice Systemⁱⁱ

The underlying assumption is that a police force and the community it serves must reach consensus on the values that guide that police force. Those values, while implicit in our Constitution, must embrace as clearly as possible the protection of individual life and liberty, and, at the same time, the measures necessary to maintain a peaceful and stable society. To accomplish this, a police executive must be familiar not only with his or her own police culture, but with the community culture as well, which is no easy task in neighborhoods experiencing major demographic changes.

Police Departments must identify conflicts that threaten peaceful race relations in communities. Among the causes of such disputes, none is more volatile than allegations of unwarranted police use of deadly force against minority citizens. Even a perception that police follow this practice is cause for concern, because the negative impact on police-citizen relations will be the same.

Another potential hurdle to overcome is the reality of a police culture, or police society. While most occupational groups develop their own identity, the police identity seems to be much stronger because of the nature of the work. There is a belief that one cannot understand the

difficulty of the work without having done it. As a result, when a community questions the actions of the police--as can be expected when a police officer uses a firearm--the law enforcement profession has a tendency to close ranks and defend the officer at all costs. The development of this "police society" begins with academy training (or even before in the recruiting and selection process) and continues until the individual becomes an accepted part of the fraternity.

?

Think about it . . . Police Culture

Read this research [article](#) compiled by the Pew research center. Is police officer culture born purely out of safety concerns? What are the pros and cons of this safety culture?

The socialization process is generally subtle, and assignment procedures may well contribute to the police society. Many departments, for example, rotate patrol officers' shifts weekly, which makes association with people other than police officers extremely difficult. In addition to assignment patterns, the job itself tends to cause social isolation. For a police officer, it is not uncommon for an officer to begin avoiding contacts with old friends, even when scheduling permits, because of the tendency to hear stories about traffic tickets and other negative encounters people may have had with the police. The result is the creation of an environment where an officer withdraws further and further from the community. He or she moves towards the protective shell of the police world where colleagues understand the nuances of the work.

From the standpoint of addressing the problem of police-community violence, the "police society" is critical. The reinforcement of narrow views by limiting contact only to other officers has an impact on the creation and perpetuation of violent encounters with citizens. The "police society" also severely hampers efforts to investigate complaints of excessive force. The police profession must reach a point where violence is discouraged at the peer level. When violence does occur, police officers themselves must be involved in providing information to the investigative process impartially and with integrity. At the same time, there are also positive aspects to a close-knit work group, and care must be taken to ensure these positive aspects are not harmed when attempting to deal with the negative ones.

1.3 - The Evolving Nature of Multiculturalismⁱⁱⁱ

At the turn of the century, multicultural communities are the norm in many cities throughout the United States. Throughout the history of the United States, it has witnessed transnational migration of large groups of people due to a variety of factors worldwide. This movement has resulted in changes in the ethnic and cultural makeup of communities that are the destinations and sources of the migration.

These changes present challenges for criminal justice practitioners and policymakers in the affected communities. For example, some cultures will allow only women to be questioned by a female police officer. A male may refuse to cooperate with a female police officer. Men from some cultures carry a ceremonial dagger next to their skin, which they would be reluctant to remove. Communication may be a problem, as not everyone speaks the same language. Poor language skills and a lack of cultural sensitivity may lead to unintended violence. Cooperation with law enforcement officers within ethnically homogeneous neighborhoods may not be forthcoming. Recruitment and retention of an ethnically diverse police force is both a challenge and a necessity. Failure to address the challenges of policing in a multicultural society can result in misunderstandings, alienation, civil unrest, and violence.

The problems associated with policing in culturally and ethnically diverse societies are not unique to the United States. The decade of the 1990s witnessed enormous political, economic, and social change. Among the countries undergoing particularly eventful political upheaval were Germany and South Africa. The breakdown of the Berlin Wall on November 9, 1989 meant the end of the Iron Curtain and the beginning of cataclysmic change for Germany.

Following the relaxation of borders that had divided east from west for nearly five decades, a virtual flood of people began traveling from the East to the West. The formerly homogeneous society of the socialist German Democratic Republic (East Germany) was transformed practically overnight, with increased xenophobia and all its repercussions being among its results. The former West Germany had an influx of asylum seekers, including persons from Eastern Europe claiming German heritage. Both the police as an institution and police officers as individuals had to confront and cope with these critical changes. For example, police in the east, accustomed to totalitarian tactics of a police state, had to determine whom they would represent, the public, or the government. Across Germany there developed great uncertainty among police officers, the outcome of which often was frustration, opposition to organizational change, and a general withdrawal from public contact. The German example is an enormously valuable case study of a society's efforts to cope with both the burdens of its past and the new challenges of dramatic change. The German police have been and continue to be at the center of these efforts. It is clear that such problems can also be found in relatively stable, albeit diverse, countries where change has been more evolutionary than revolutionary. Three such countries are Canada, Australia, and the United Kingdom.

1.4 - Change and Tension, Minorities Struggle for Power^{iv}

In the United States changing and adding cultural and ethnic multiplicity, the police are most likely to be aligned with the old cultural and ethnic guard, or they may be perceived as such by new, or newly empowered, constituents. As a result, questions about the philosophy and practice of policing are ultimately liable to come under close and probing scrutiny.

The police operate at “street level,” where they have direct contact with all who are involved in any way with law and public safety. In fact, the police represent the sole agency with which the vast majority of those who ever have any dealings with the criminal justice system come into contact. As a result, the police have enormous power to influence attitudes and public opinion about fundamental concerns regarding a political entity’s capacity to act in just, legitimate, and accountable ways. Police-community relations are shaped on the street and in the station houses, and it is there that such controversial practices as profiling and “zero tolerance” are enacted. Using their discretionary arrest powers, the police are also the gatekeepers of the criminal justice process. They determine who is subjected to the power of the law and who is not. Because of this unique role and powerful position in society, the police are likely both to influence and to be influenced by the social implications of migration and shifts in the political power of various communities.



Figure 1.2 These protestors in Washington D.C. are protesting racial profiling, a tactic many believe make police officers negatively biased towards people of color. [Image](#) used under a [CC BY-NC-SA 2.0](#) license.

Rapid transformations in the relative heterogeneity of the population, and the accompanying discourse on multiculturalism, can lead to questions about the validity of definitions of laws or crimes for some groups and conceptions of “order” or “disorder” for others. Conversely, the arrival of new groups often provokes questions about the appropriateness of practicing what those groups consider “normal” domestic or familial relations, duties, or privileges. Thus, an increase in the number of ethnic, cultural, and linguistic communities and racial groups can give rise to conflicts about the legitimacy of legal and communal standards and definitions, and hence present an enormous challenge to law enforcement and order maintenance activities.

The emerging new paradigm of policing multi-ethnic societies based on responses of the American police to today's mix of ethnic diversity. That record provides much to be hopeful about, but some cautions must be noted, and much remains to be done. The portrait is at odds with one that might be imagined from reading the newspaper headlines, watching cable news, or reading twitter. Although appalling racial incidents continue to occur, to focus on them is to miss the profound changes that are taking place.

For those who believe that the complexity of the problems of policing multi-ethnic societies can be resolved by something as simple as adopting principles of community policing or by having the police agency staffed and controlled by members of a formerly marginalized minority are mistaken. In the end racially and ethnically sensitive policing depends upon good judgment by political leaders, police executives, and street officers, however good judgment is not guaranteed by either race or police strategy.

1.5 - Changes in Make-up of Administration of Justice Agencies^v

There are approximately 18,000 Federal, state, county and local law enforcement agencies in the United States. These agencies range from police departments employing just one sworn officer to departments with more than 30,000 officers. In 2008, the Department of Justice's Bureau of Justice Statistics (BJS) conducted a census of state and local law enforcement agencies. That census, which included 17,985 agencies, found that those agencies collectively employed more than 1.1 million people on a full-time basis, nearly 800,000 as sworn personnel. The census revealed that the vast majority of these agencies - more than 12,000 - are local police departments, a category that includes municipal, county, tribal, and regional police departments. BJS's research also found that there are more than 3,000 sheriffs' offices; approximately 2,000 special jurisdiction agencies, which are agencies that provide police services for entities or established areas within another jurisdiction (e.g., parks, schools, airports, housing authorities, and government facilities); 50 primary state law enforcement agencies; and nearly 700 other agencies, such as county constable offices. BJS also conducted a census of Federal law enforcement agencies in 2008: that survey collected data from 73 agencies, which employed approximately 120,000 full-time sworn law enforcement officers.

More recent data from BJS' 2013 Law Enforcement Management and Administrative Statistics data collection (LEMAS Survey) provide information about the demographics of these law enforcement agencies. Of the more than 12,000 local police departments, and their nearly 500,000 sworn officers, 48 percent of the departments employed fewer than 10 sworn officers. While the vast majority of these departments employ a relatively small number of sworn officers, 54 percent of the sworn officers in this country work for departments in jurisdictions with 100,000 or more residents.

About 58,000, or 12 percent, of the full-time sworn personnel in these departments were female; female officers also accounted for nearly 10 percent of first-line supervisors in these

departments. The LEMAS Survey found that 27 percent of full-time sworn officers are racial or ethnic minorities; African American and Latino officers each comprised around 12 percent, while other minority groups, including Asian American, Native Hawaiian, or other Pacific Islander; and American Indian or Alaska Native, collectively comprised 3 percent. The LEMAS survey found similar demographics in the nation's sheriffs' offices: 14 percent of their full-time sworn officers were female (and 12 percent of the first-line supervisors were female); racial minorities comprised 22 percent of those officers, with Latino, officers making up the largest share (11 percent), closely followed by African-American officers (9 percent).

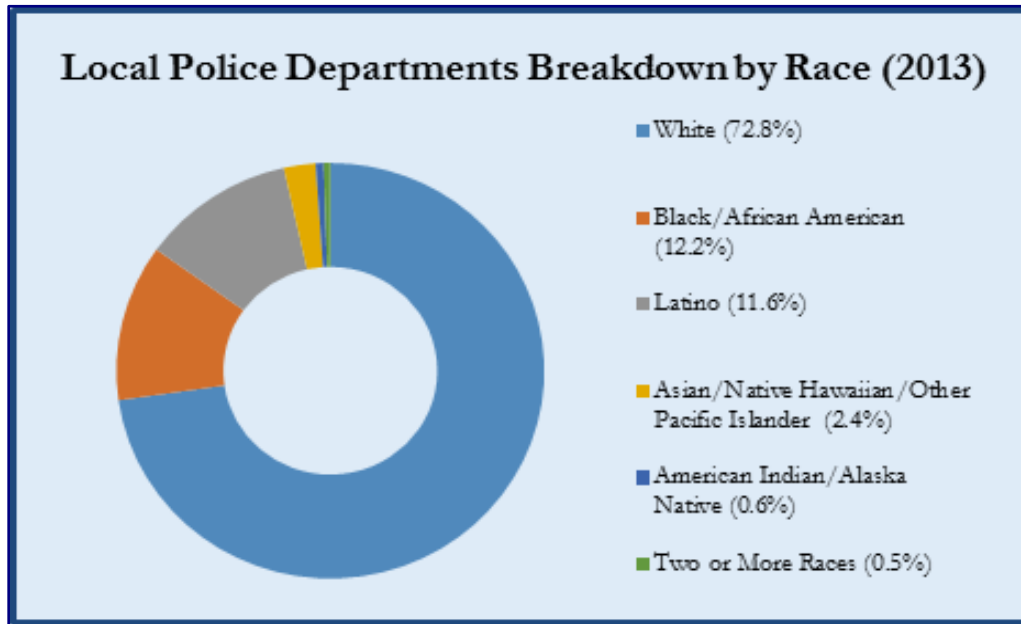


Figure 1.3 Source: Bureau of Justice Statistics, "Local Police Departments, 2013: Personnel, Policies, and Practices," (2015).

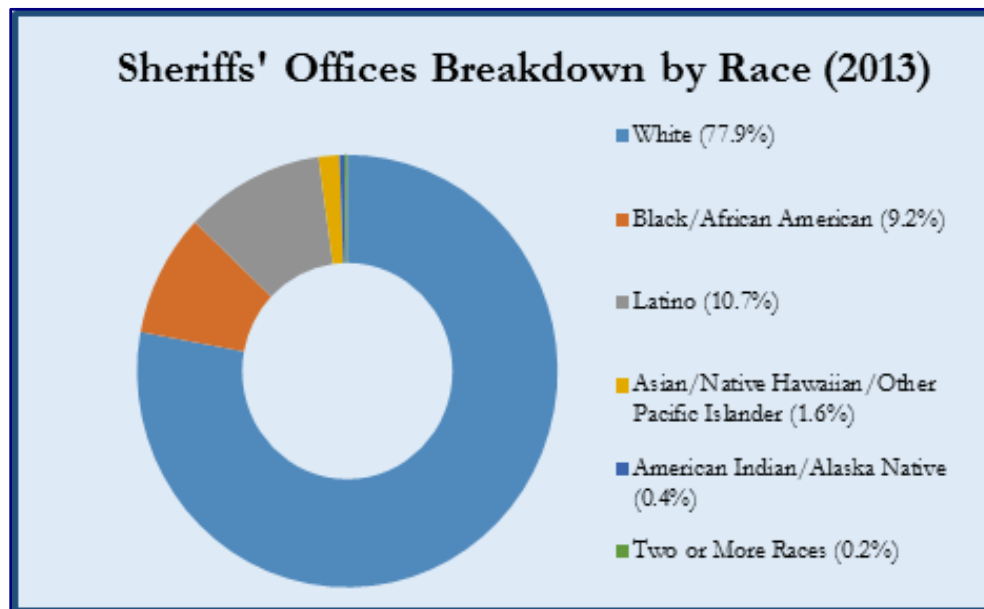


Figure 1.3 Source: Bureau of Justice Statistics, "Sheriffs' Office Personnel, 1993-2013," (2016).

?

Think about it . . . Diversity in Law Enforcement

Enforcement agencies have become more diverse, at least by race/ethnicity and gender. BJS first began gathering data through the LEMAS Survey in 1987. In 1987, BJS recorded 27,000 women working as local police officers (8 percent); as noted above, that number has risen to 58,000 (12 percent) by 2013. In 1987, racial minorities made up 14.6 percent of all officers; they are now 27 percent. The rates of increase vary by group. Women were 8 percent of officers in 1987; 12 percent in 2007; and 12 percent in 2013. African Americans were 9 percent of officers in 1987; 12 percent in 2007; and 12 percent in 2013. Latinos were 4.5 percent of officers in 1987; 10.3 percent in 2007; and 11.6 percent in 2013. Asian Americans, Native Hawaiians, other Pacific Islanders, American Indians, and Alaska Natives were 0.8 percent of officers in 1987; 2.7 percent in 2007; and 3 percent in 2013.

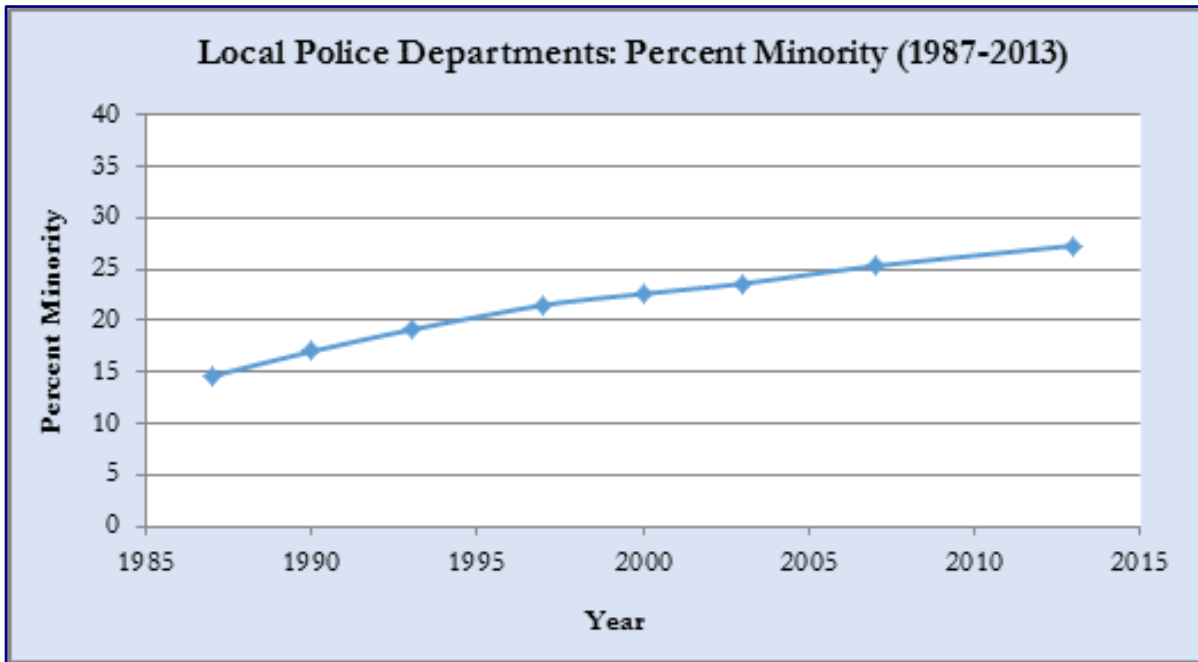


Figure 1.4 Source: Bureau of Justice Statistics, "[Local Police Departments, 2013: Personnel, Policies, and Practices](#)," (2015).

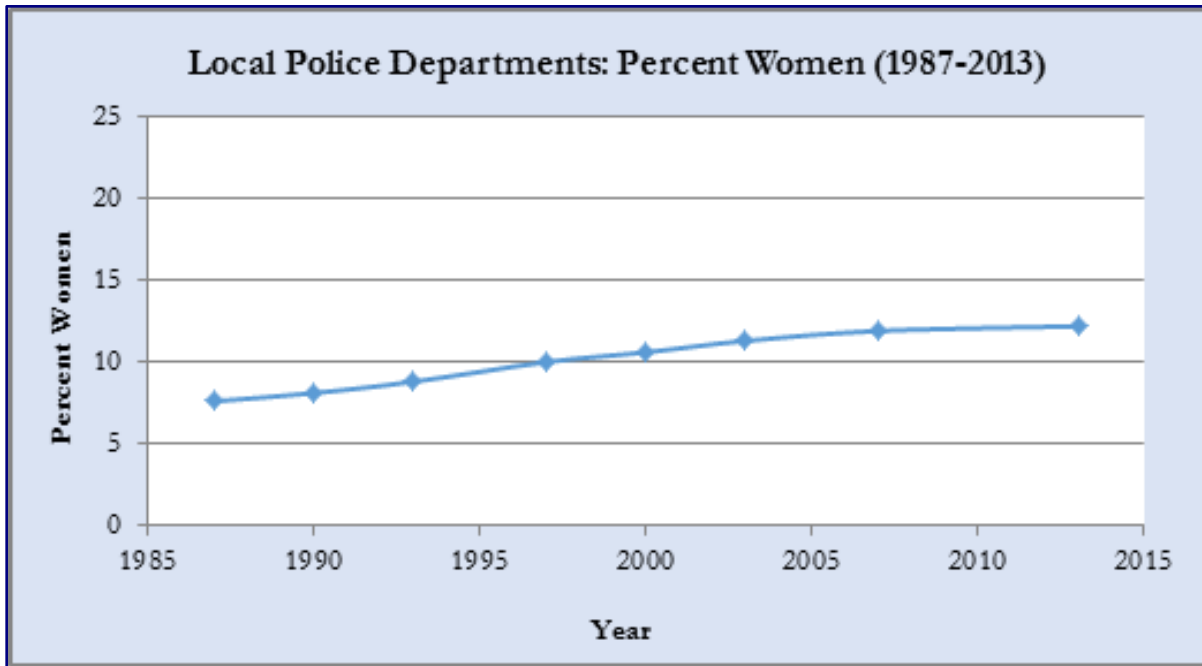


Figure 1.5 Source: Bureau of Justice Statistics, "[Women in Law Enforcement, 1987-2008](#)," (2010); Bureau of Justice Statistics, "[Local Police Departments, 2013: Personnel, Policies, and Practices](#)," (2015).



Pin It! The Importance of Recruiting Diverse Populations

The challenge of recruiting, hiring, and retaining a diverse workforce is certainly not limited to law enforcement. Throughout the country, in nearly every sector of society, people and organizations are grappling with this issue. Employers in a variety of industries have engaged in proactive efforts to bolster diversity. Yet this challenge remains particularly urgent in the field of law enforcement. Law enforcement agencies fulfill a fundamental role in our society, and in many communities, individual police officers are often the public face of local government. It therefore is critical that our nation's law enforcement agencies broadly reflect the diversity of the communities they serve.

Increased diversity within law enforcement agencies - defined not only in terms of race and gender, but also other characteristics including religion, sexual orientation, gender identity, language ability, background, and experience - serves as a critically important tool to build trust with communities. This finding is bolstered by decades of research confirming that when members of the public believe their law enforcement organizations represent them, understand them, and respond to them - and when communities perceive authorities as fair, legitimate, and accountable - it deepens trust in law enforcement, instills public confidence in

government, and supports the integrity of democracy. This trust is essential to defusing tension, to solving crimes, and to creating a system in which residents view law enforcement as fair and just. Victims and witnesses of crime may not approach or engage with law enforcement if they do not perceive such authorities to be responsive to their experiences and concerns. This trust - and the cooperation it facilitates - also enables officers to more effectively and safely perform their jobs.

?

Think about it . . . Diversity Encourages Good Police Work

Research further suggests that increased diversity can make law enforcement agencies more open to reform, more willing to initiate cultural and systemic changes, and more responsive to the residents they serve. Some have pointed to increased diversity as a catalyst for reform, enabling officers and law enforcement leaders alike to become more introspective and reflective about problems in their departments. A more reflective and open-minded culture in an agency can help drive reform across a range of areas, including civilian oversight, community policing, and racial bias. In addition, while greater workforce diversity alone cannot ensure fair and effective policing, a significant - and growing - body of evidence suggests that diversity can have a positive influence on specific activities and practices of law enforcement agencies.

1.6 - Professional Image in Criminal Justice^{vi}

The "culture" of a police department reflects what that department believes in as an organization. These beliefs are reflected in the department's recruiting and selection practices, policies and procedures, training and development, and ultimately, in the actions of its officers in law enforcement situations. Clearly, all police departments have a culture. The key question is whether that culture has been carefully developed or simply allowed to develop without benefit of thought or guidance. There are police agencies, for example, where police use of force is viewed as abnormal. Thus, when it is used, the event receives a great deal of administrative attention. Such a response reflects the culture of that department: the use of force is viewed and responded to as an atypical occurrence. Contrast such a department with one that does not view the use of force as abnormal. In the latter case, there may be inadequate or poorly understood policies providing officers with guidelines regarding the use of force. There probably is no administrative procedure for investigating incidents where force is used, and, most importantly, the culture of the department is such that officers come to view the use of force as an acceptable way of resolving conflict.

Over the past few years, there has been significant progress in improving police-community relationships. Yet, the major problem creating friction between the police and the community

today--especially in communities of color--is police use of deadly force. Only in recent years has the public become aware of this age-old problem. The fact that this problem existed for such a long time before receiving widespread attention can again be related to the culture of the police.

Until the *Tennessee v. Garner* decision in 1985, few if any police departments had developed their firearms policy around a value system that reflected reverence for human life. Rather, those agencies which did have written policies (and many did not) reflected the prevailing police culture in those policies. The prevailing culture centered on enforcement of the law. Thus, the official policies of most police agencies allowed officers to fire warning shots, to shoot fleeing felons, or to use deadly force in other circumstances reflected less than the highest value for human life.

It is clear that the culture of a police department, to a large degree, determines the organization's effectiveness. That culture determines the way officers view not only their role, but also the people they serve. The key concern is the nature of that culture and whether it reflects a system of beliefs conducive to the nonviolent resolution of conflict.

How do you establish a positive departmental culture that in turn manifests professional standards? In answering this question, it is important to emphasize again that all departments have a culture. It is also important to recognize that the culture of a police department, once established, is difficult to change. Organizational change within a police agency does not occur in a revolutionary fashion. Rather, it is evolutionary.

The beginning points in establishing a departmental culture is to develop a set of values. Values serve a variety of purposes, including:

- Set forth a department's philosophy of policing
- State in clear terms what a department believes in
- Articulate in broad terms the overall goals of the department
- Reflect the community's expectations of the department
- Serve as a basis for developing policies and procedures
- Serve as the parameters for organizational flexibility
- Provide the basis for operational strategies
- Provide the framework for officer performance
- Serve as a framework from which the department can be evaluated

In developing a set of values for a police department, it is not necessary to come up with a lengthy list. Rather, there should be a few values which, when taken together, represent what the organization considers important. For example, if it is the objective of the department to create a culture that is service oriented, then that should be reflected in its set of values. In other words, the importance of values is qualitative, not quantitative.

Finally, an essential role of the police chief is to ensure that the values of the department are well articulated throughout the organization. To accomplish this, the chief as leader must ensure that there is a system to facilitate effective communication of the values. This includes recognizing and using the organization's informal structure. This is important because, in addition to the formal structure, values are transmitted through its informal process as well as its myths, legends, metaphors, and the chief's own personality.

Each police department should develop a set of policing values that reflects its own community. Fortunately, there is a general set of values that can serve as a framework for any department to build upon to meet local needs. Developing a set of organizational values is not difficult. A police executive should first clearly explain what values are to those in uniform. Then the executive should ask each member of the department to list what he or she considers the five most important values for the department. The findings of such an exercise will represent a consensus on the values department members hold most dear--an excellent starting point for creating a set of departmental values.

The police department must preserve and advance the principles of democracy.

All societies must have a system for maintaining order. Police officers in this country, however, must not only know how to maintain order, but must do so in a manner consistent with our democratic form of government. Therefore, it is incumbent upon the police to enforce the law and deliver a variety of other services in a manner that not only preserves, but also extends precious American values. It is in this context that the police become the living expression of the meaning and potential of a democratic form of government. The police must not only respect, but also protect the rights guaranteed to each citizen by the Constitution. To the extent, each officer considers his or her responsibility to include protection of the constitutionally guaranteed rights of all individuals; the police become the most important employees in the vast structure of government.

The police department places its highest value on the preservation of human life.

Above all, the police department must believe that human life is the most precious resource. Therefore, the department, in all aspects of its operations, will place its highest priority on the protection of life. This belief must be manifested in at least two ways. First, the allocation of resources and the response to demands for service must give top priority to those situations that threaten life. Second, even though society authorizes the police to use deadly force, the use of such force must not only be justified under the law but must also be consistent with the philosophy of rational and humane social control.

The second concept is the most challenging and controversial due to accountability.

Police officers are expected to adhere to the laws provided by elected officials, judicial Case law, as well as the policies of the Departments which employ them, that is not in dispute. Social rational and humane social control are moving targets and continually evolving, thus how can officers legally (civil and criminal) adhere to the rational of society, when the society encompasses differing groups?

The police department believes that the prevention of crime is its number one operational priority.

The department's primary mission must be the prevention of crime. Logic makes it clear that it is better to prevent a crime than to put the resources of the department into motion after a crime has been committed. Such an operational response should result in an improved quality of life for citizens, and a reduction in the fear that is generated by both the reality and perception of crime.

The police department will involve the community in the delivery of its services.

It is clear that the police cannot be successful in achieving their mission without the support and involvement of the people they serve. Crime is not solely a police problem, and it should not be considered as such. Rather, crime must be responded to as a community problem. Thus, it is important for the police department to involve the community in its operations. This sharing of responsibility involves providing a mechanism for the community to collaborate with the police both in the identification of community problems and determining the most appropriate strategies for resolving them. It is counterproductive for the police to isolate themselves from the community and not allow citizens the opportunity to work with them.

The police department believes it must be accountable to the community it serves.

The police department also is not an entity unto itself. Rather, it is a part of government and exists only for serving the public to which it must be accountable. An important element of accountability is openness. Secrecy in police work is not only undesirable but also unwarranted. Accountability means being responsive to the problems and needs of citizens. It also means managing police resources in the most cost-effective manner. It must be remembered that the power to police comes from the consent of those being policed.

The police department is committed to professionalism in all aspects of its operations.

The role of the professional organization is to serve its clients. The police department must view its role as serving the citizens of the community. A professional organization also adheres to a code of ethics. The Law Enforcement Code of Ethics must guide the police department. A profession polices itself. The police department must ensure that it maintains a system designed to promote the highest level of discipline among its members.

The police department will maintain the highest standards of integrity.

The society invests in its police the highest level of trust. The police, in turn, enter into a contractual arrangement with society to uphold that trust. The police must always be mindful of this contractual arrangement and never violate that trust. Each member of the police department must recognize that he or she is held to a higher standard than a private citizen. They must recognize that, in addition to representing the department, they also represent the law enforcement profession and government. They are the personifications of the law. Their conduct, both on and off duty, must be beyond reproach. There must not be even a perception in the public's mind that the department's ethics are open to question.

Recognizing that society is undergoing massive changes, police agencies are confronted with a great challenge. The essence of that challenge is to be able to respond to problems created by social change, while at the same time providing the stability that holds a society together during a period of uncertainty.

By setting forth a clear set of values, articulating what it believes in, the police department has a foundation to guide itself. Such a foundation also allows for organizational flexibility. In addition, a set of values provides the community with a means of assessing its police department without having to become involved in technical operations. Value statements serve as the linkage between the ongoing operations of a police department and the community's ability not only to participate, but also to understand the reason for police department strategies.



Act It Out! Law Enforcement Professionalism Activity

To promote and facilitate law enforcement professionalism, three (3) ethical dilemmas are listed below for discussion.

As learned in this first chapter, law enforcement officers have a difficult job. They are often placed in difficult situations and community tensions can increase the conflict between the community and law enforcement agencies. Knowing this, it is important to prepare yourself for how you will deal with difficult, uncomfortable and ethical issues you will face in the community.

Break up into groups and discuss the scenarios below. Using what you learned in this chapter, how will you handle the following situations.

- A. You are on a DWI Checking Station when you hear a fellow officer says: Hey Bozo, move your *&^%#! car off my %\$^^&% highway! What will your response be?
- B. Upon initial contact with a citizen, an officer is met with an aggressive attitude. The officer responds by mirroring the behavior to show he/she will not be intimidated and telling the person, calm down or you're going to jail! What should be done?
- C. In many cultures, saving face is of vital importance and could open or close communication from the outset. Your partner immediately intimidates the person to keep control of the situation. What will you do?

Chapter 2 - Improving Human Relations and Understanding Non-verbal Communication

Key Learning Objectives:

- Explain how improving human relations techniques can improve community policing.
- Identify the importance of both verbal and non-verbal communication as a police officer
- Explain why it is important to train recruits on human relations. Identify where police departments have gained training insight from other professions.

2.1 - Improving Human Relations in Policing

In this unit we examine the importance for police departments to train and provide officers with human relations skills. This understand allows officers to deal with difficult and dangerous situations through de-escalation and communication skills. Most departments require recruits to demonstrate competency in areas such as firearms, tactics and driving, but more and more department are recognizing the need for human relations skills to be effective and efficient officers. In this section we will examine those skills can create a better partnership between the police and the communities they serve.



Pin It! Improving Human Relations Skills

Effective policing occurs when officers and members of the public partner to create safe and crime-free communities. This partnership requires that officers display not only strong technical capabilities but interpersonal skills. Therefore, law enforcement agencies must train their officers on how to interact effectively with the public.

Together, technical and interpersonal skills form the basis of all police work. Any well-established law enforcement agency trains and evaluates all recruits for their technical (e.g., tactical and legal) abilities. For example, in firearms training, recruits must earn a certain score to carry a weapon.

Unfortunately, many agencies do not concentrate on training and evaluating officers' interpersonal skills (e.g., active listening, problem solving, persuasion, and conflict management) even though officers need them to competently execute tactical and legal tasks. If officers cannot communicate with the public, poor community relations will hinder even the most technically proficient departments.

To illustrate this point, in 1983, George Miller wrote about the tension that exists when the community and the police interact. He claimed these difficulties exist because of the different expectations and attitudes that each group brings to the encounter. This conundrum continues 27 years later as officers try to navigate their responsibilities amid police-community tension and increased expectations of privacy.

2.2 – Communication in Common Police Practice

Fundamentally, police officers do two things: they talk to people and they touch people. Most police activities involve one of these actions. The “touch factor” in police training, driven by concern for officer safety, encompasses instruction in firearms, motor vehicle stops, self-defense, arrest and control, and responses to crimes in progress. Instructors easily can witness and evaluate officers' proficiency in these areas. For example, in firearms training, recruits must receive a certain score to qualify to carry a weapon.

The “talk factor” in police training focuses on verbal interactions during criminal investigations, traffic stops, interviews, and interrogations. Unlike technical skills, however, police instructors cannot easily witness and evaluate officer performance in these competencies. Yet, officers need these skills to ably execute tactical and legal tasks. The Connecticut Police Officers Standards and Training Council (POSTC) and the Kansas Law Enforcement Training Center (KLETC) both support this view and maintain that effective interpersonal skills are essential to virtually every aspect of police operation.

Law enforcement officers cannot avoid interactions with the public because they occur so frequently in three very common areas of police work: motor vehicle stops, criminal investigations, and domestic violence and conflicts. Officers' interactions with the community as part of these duties illustrate the need for interpersonal skills training in law enforcement academies.



Think About It . . . Enhancing Communication Skills

Good communication skills can make all the difference in civilian exchanges, the first four seconds of contact between an officer and an individual can determine the entire course of an interaction. Watch this [video](#) in which Lt. Kevin Dillon talks about the value of good communication skills.

Motor vehicle stops are considered one of the best ways to prevent crime, and they present the primary opportunity for communication between officers and the public; unfortunately, traffic stops also serve as the most frequent source of complaints against the police when they lead to conflict between the stopped individuals and officers.

While law enforcement cannot avoid all hostility from motorists, the outcome of such conflicts depends on how officers approach the situation. Even when the incident requires enforcement action, officers should make every possible effort to seek a satisfactory outcome for everyone involved. Officers cannot predict the exact behaviors they will encounter during motor vehicle stops, and, thus, they need strong interpersonal skills to minimize hostility and misunderstandings in these situations.

In criminal investigations, the community calls upon police officers to assist individuals who have suffered the most negative experiences imaginable, and the outcomes of these investigations dramatically influence those involved. During these cases, the investigating officers' interpersonal skills significantly influence the community's impression of the police. Public perception, in turn, affects the success of investigations by influencing community members' willingness to provide information.

Often, domestic conflict involves physical violence coupled with strong emotions. Officers who respond to these situations must secure the scene and gather information to determine probable cause. A strong foundation of verbal and nonverbal skills allows officers to accomplish these tasks in a sensitive environment.

Essential Techniques

To improve officers' performance in common police practices, agencies can instruct personnel on basic competencies that ease communication between the police and the public during motor vehicle stops, criminal investigations, and domestic conflicts. These skills fall into three categories: setting the stage, gathering evidence, and confirming information.

To set the stage for effective communication, officers should practice crucial *verbal* and *nonverbal conversation habits*. These include eye contact, body position, voice tone, facial expressions, gestures, physical distance, and physical contact. Police also should use open invitations to talk, such as encouragers and closed and open-ended questions.

When gathering evidence, four communication skills assist officers in collecting pertinent information: *focusing*, *paraphrasing*, *reflecting*, and *confronting*. Focusing helps with re-framing and reconstructing problems. When paraphrasing, officers restate someone's thoughts in different words and in a nonjudgmental manner. Reflecting involves feelings as officers articulate an individual's emotions, whether stated or implied. Finally, confronting aids police in identifying discrepancies in a story.

To confirm information, officers should use two strategies to pull together relevant data and ensure that they accurately capture an individual's story. *Clarifying* confirms that the officer

and the individual agree on the exchanged information and *summarizing* establishes that all information gathered is accurate.

2.3 – Interpersonal Skills Training in Law Enforcement

Some law enforcement training programs, such as POSTC and KLETC, already provide communications-based instruction for recruits. However, current descriptions of many training programs fail to explain how learning objectives link to lesson plans. Instructors might simply describe these skills in class, telling their students “You use interpersonal skills when you walk up to motorists with a friendly demeanor and engage them in conversation.” Alternatively, maybe teachers describe skills, model them, and evaluate recruits. Perhaps, students only observe the instructor, or, maybe, they practice, demonstrate, and master these skills. Currently, a lack of clarity surrounds how academies determine that police recruits truly master the competencies in a communications-training curriculum.

Counselor Education Training Programs

As police academies determine how to teach and evaluate interpersonal skills, they should consider using methods from counselor education curricula. Counseling-education students complete at least one course on essential interpersonal skills and then apply these techniques to all other areas of their training. Similarly, in police academies, interpersonal skills should be taught and mastered independently so that recruits can use these abilities to supplement technical training. Six steps comprise a common procedure in counselor education courses; this process exemplifies how law enforcement academies can teach their own recruits.

- 1) The instructor presents, defines, and demonstrates a specific capability to the class.
- 2) The students practice the skill, often in groups of three. One student takes on the role of the counselor, another plays the client and the third observes. Group members take a turn in each role.
- 3) Class members discuss their challenges with each task, and they continue to practice.
- 4) Each student performs in front of the class and instructor, who evaluates each class member on all of the assigned skills.
- 5) The class repeats steps 1 through 4 until all techniques are introduced, modeled, practiced, demonstrated, and evaluated.
- 6) At the end of the semester, students demonstrate all of the competencies that they learned in the course during a 10- to 15-minute mock counseling session. The instructor videotapes each session and evaluates the students’ command of all the skills.

Many counselor education course materials outline systematic processes for learning interpersonal skills, which police academies can adapt for law enforcement. Recruits can practice their techniques by modeling common interactions between the police and the public. Additionally, instructors should consider using counseling interns or other trained non-police personnel to facilitate recruits' learning.

This initial training builds an essential foundation for new officers because they need to master communication skills before they execute tactical and legal tasks. In this context, law enforcement training resembles learning to play an instrument, like the piano. Beginners must learn certain basic and requisite piano techniques, regardless of their chosen genre, before they can progress. In law enforcement, all new officers must master verbal and nonverbal interpersonal skills regardless of their job function, title, or location.

Lessons from the Medical Profession

Though law enforcement and medicine seem unrelated, both professions demand interpersonal skills for many of the same reasons because they blend technical tasks with frequent human interaction. Like doctors, police officers must listen to and understand the public—their “patients.” When officers communicate effectively, it strengthens their ability to gather pertinent information, supplements their technical knowledge, and breaks down barriers between the police and the public. These items mirror how interpersonal skills function in medicine because doctors must bridge the gap between professionals and patients to practice medicine competently.

Both doctors and police rely on information from human sources to facilitate their investigations. “If the doctor does not facilitate the story telling, “if the patient is not encouraged to go on “the patient very often will not.” The same logic applies to interview subjects: Witnesses provide however much or little information is drawn from them, depending on how the officers conduct the interview. Just as spoken and unspoken language influences patients' willingness to comply with their doctors, the same factors influence an individual's cooperation with the police.

Doctor-patient communication remains at the forefront of medical education. In classes, internships, and residencies, medical students learn how to interact better with patients, which enhances care. Police recruits need to learn the same type of skills in the academy. Then, after this initial training, officers can apply their techniques on the job and, thus, build trust and cooperation with the community.

2.4 – Human Relations Commissions and Guidelines

The purpose and intent of Human Relations Commission is for a citizen group to consult with and advise elected officials of a city or county government to equal economic, political, and educational opportunity, to equal accommodations in all business establishments in the City,

and to equal service and protection by public agencies. The Commission normally give effect to such rights to eliminate prejudice and discrimination because of race, religion, color, national origin or ancestry, age, gender, sexual orientation, disability, medical condition, place of birth, citizenship, marital status, military service, or any other characteristic protected by applicable federal, state, or local laws.

The Commission normally provides advice and assistance to all elected leaders of the governing body in order that all officers, agencies, boards, departments, and employees may take ameliorative steps to enhance peace and good order and provide equal opportunity for and good will toward all people. Further, the Commission may recommend use of mediation and/or conciliation processes to attempt to eliminate alleged unfair or unlawful discriminatory practices.

Human relation commissions guidelines

The Commission shall be given the following guideline for completion of the mission purpose.

- Conduct programs designed to bring groups together to close gaps resulting from past discriminatory practices and to proactively address current or ongoing inter-group tensions.
- Mediate disagreements among individuals, groups, and organizations, which result from discriminatory practices within the commission's scope.
- Process complaints.
- Adopt, by two-thirds vote of its members, bylaws governing the conduct of its meetings and activities, the establishment of subcommittees, and such other rules as may be necessary for the performance of its functions; provided, that such bylaws shall specify that a quorum shall at all times consist of a majority of its authorized membership and that any amendments to the bylaws shall require an affirmative vote of two-thirds of its authorized membership.
- Maintain records and serve as the source of accurate and reliable data on practices, activities, and other problems, which are the subject to their jurisdiction.
- Render a written report of its activities annually. Such report shall include summaries of recommendations for development of policies and procedures, additional legislation deemed by the Commission to be necessary, presentations by citizens and organizations, and recommended actions to be taken.
- In addition to the other powers and duties, some Commission will have the power to do the following:

- Prepare and disseminate educational and informational material relating to prejudice and discrimination and recommended ways and means of eliminating such prejudice and discrimination.
- Furnish cooperation, information, guidance, and technical assistance to other public agencies and private persons, organizations, and institutions engaged in activities and programs intended to eliminate prejudice and discrimination.
- Consult and maintain contact with other public agencies and representatives of employers, labor unions, property owners' associations, professional associations, national origin groups, community organizations concerned with interracial, inter-religious, and intercultural understanding, social welfare organizations, and such other private organizations and institutions as the Commission shall deem advisable.
- Advise and make written recommendations to the concerning the development and implementation of programs and practices for furthering the objectives of the Commission. If necessary, the Commission and an agency, board, or officer, which the Commission is assisting, shall submit timely reports of progress in establishing and implementing such programs and practices. Most Commission's shall not have jurisdiction over matters within the authority of the Civil Service Commission or the Citizens Equal Opportunity Commission including, but not limited to, City employee discrimination complaints or minority contracting practices.
- Investigate, and with the assent of the concerned parties, conciliate or mediate all incidents of discrimination within the scope of the Commission to the extent such functions are not within the responsibilities of the California Fair Employment Practices Commission or any federal, county, state, City, or other established agency, and make specific and detailed recommendations to the interested parties as to the method of eliminating such discrimination.
- Prepare, encourage, and coordinate programs based on established laws, regulations, policies, or goals to eliminate or reduce existing inequalities and disadvantages in the community resulting from past discriminatory practices.
- Hold public meetings on community-wide problems, which may result in discrimination because of race, religion, color, national origin or ancestry, age, gender, sexual orientation, disability, medical condition, place of

- birth, citizenship, marital status, military service, or any other characteristic protected by applicable federal, state, or local laws.
- Refer for appropriate legal action any matters not resolved through conciliation or mediation to the appropriate prosecutorial or regulatory entity.

2.5 – Non-Verbal Communication



Pin It! Non-verbal Communications in Community Relations

Just as verbal language is broken up into various categories, there are also different types of nonverbal communication. As we learn about each type of nonverbal signal, keep in mind that nonverbals often work in concert with each other, combining to repeat, modify, or contradict the verbal message being sent. View this [PowerPoint](#) on communication skills to review the types of communication.

Kinesics

The word Kinesics comes from the root word *kinesis*, which means “movement,” and refers to the study of hand, arm, body, and face movements. Specifically, this section will outline the use of gestures, head movements and posture, eye contact, and facial expressions as nonverbal communication.

Gestures

There are three main types of gestures: adapters, emblems, and illustrators (Andersen, 1999). Adapters are touching behaviors and movements that indicate internal states typically related to arousal or anxiety. Adapters can be targeted toward the self, objects, or others. In regular social situations, adapters result from uneasiness, anxiety, or a general sense that we are not in control of our surroundings. Many people subconsciously click pens, shake our legs, or engage in other adapters during classes, meetings, or while waiting as a way to do something with our excess energy. Public speaking students who watch video recordings of their speeches notice nonverbal adapters that they did not know they used. In public speaking situations, people most commonly use self- or object-focused adapters. Common self-touching behaviors like scratching, twirling hair, or fidgeting with fingers or hands are considered self-adapters. Some self-adapters manifest internally, as coughs or throat-clearing sounds. Some people subconsciously gravitate toward metallic objects like paper clips or staples that hold notes together and bend them or fidget with them. Other people play with dry-erase markers, their

note cards, the change in their pockets, or the lectern while speaking. Use of object adapters can also signal boredom as people play with the straw in their drink or peel the label off a bottle of beer. Smartphones have become common object adapters, as people can fiddle with their phones to help ease anxiety. Finally, as noted, other adapters are more common in social situations than in public speaking situations given the speaker's distance from audience members. Other adapters involve adjusting or grooming others, similar to how primates like chimpanzees pick things off each other. It would definitely be strange for a speaker to approach an audience member and pick lint off his or her sweater, fix a crooked tie, tuck a tag in, or pat down a flyaway hair in the middle of a speech.

Emblems are gestures that have a specific agreed-on meaning. These are still different from the signs used by hearing-impaired people or others who communicate using American Sign Language (ASL). Even though they have a generally agreed-on meaning, they are not part of a formal sign system like ASL that is explicitly taught to a group of people. A hitchhiker's raised thumb, the "OK" sign with thumb and index finger connected in a circle with the other three fingers sticking up, and the raised middle finger are all examples of emblems that have an agreed-on meaning or meanings with a culture. Emblems can be still or in motion; for example, circling the index finger around at the side of your head says, "He or she is crazy," or rolling your hands over and over in front of you says, "Move on."

Just as we can trace the history of a word, or its etymology, we can also trace some nonverbal signals, especially emblems, to their origins. Holding up the index and middle fingers in a "V" shape with the palm facing in is an insult gesture in Britain that means "up yours." This gesture dates back centuries to the period in which the primary weapon of war was the bow and arrow. When archers were captured, their enemies would often cut off these two fingers, which was seen as the ultimate insult and worse than being executed since the archer could no longer shoot his bow and arrow. So, holding up the two fingers was a provoking gesture used by archers to show their enemies that they still had their shooting fingers.

Illustrators are the most common type of gesture and are used to illustrate the verbal message they accompany. For example, you might use hand gestures to indicate the size or shape of an object. Unlike emblems, illustrators do not typically have meaning on their own and are used more subconsciously than emblems. These largely involuntary and seemingly natural gestures flow from us as we speak but vary in terms of intensity and frequency based on context. Although we are never explicitly taught how to use illustrative gestures, we do it automatically. Think about how you still gesture when having an animated conversation on the phone even though the other person cannot see you.

Head Movements and Posture are grouped head movements and posture together because they are often both used to acknowledge others and communicate interest or attentiveness. In terms of head movements, a head nod is a universal sign of acknowledgment in cultures where the formal bow is no longer used as a greeting. In these cases, the head nod essentially serves as an abbreviated bow. An innate and universal head movement is the head shake back and forth to signal "no." This nonverbal signal begins at birth, even before a baby has the ability to know that it has a corresponding meaning.

Babies shake their head from side to side to reject their mother's breast and later shake their head to reject attempts to spoon-feed (Pease & Pease, 2004). This biologically based movement then sticks with us to be a recognizable signal for "no." We also move our head to indicate interest. For example, a head up typically indicates an engaged or neutral attitude, a head tilt indicates interest and is an innate submission gesture that exposes the neck and subconsciously makes people feel more trusting of us, and a head down signals a negative or aggressive attitude (Pease & Pease, 2004).

There are four general human postures: standing, sitting, squatting, and lying down (Hargie, 2011). Within each of these postures, there are many variations, and when combined with particular gestures or other nonverbal cues they can express many different meanings. Most of our communication occurs while we are standing or sitting. One interesting standing posture involves putting our hands on our hips and is a nonverbal cue that we use subconsciously to make us look bigger and show assertiveness. When the elbows are pointed out, this prevents others from getting past us as easily and is a sign of attempted dominance or a gesture that says we are ready for action. In terms of sitting, leaning back shows informality and indifference, straddling a chair is a sign of dominance (but also some insecurity because the person is protecting the vulnerable front part of his or her body), and leaning forward shows interest and attentiveness (Pease & Pease, 2004).

Eye Contact

We also communicate through eye behaviors, primarily eye contact. While eye behaviors are often studied under the category of kinesics, they have their own branch of nonverbal studies called oculusics, which comes from the Latin word *oculus*, meaning "eye." The face and eyes are the main point of focus during communication, and along with our ears, our eyes take in most of the communicative information around us. The saying "The eyes are the window to the soul" is actually accurate in terms of where people typically think others are "located," which is right behind the eyes (Andersen, 1999). Certain eye behaviors have become tied to personality traits or emotional states, as illustrated in phrases like "hungry eyes," "evil eyes," and "bedroom eyes." To understand the concept better, we will discuss the characteristics and functions of eye contact and pupil dilation. Eye contact serves several communicative functions ranging from regulating interaction to monitoring interaction, to conveying information, to establishing interpersonal connections.

In terms of regulating communication, we use eye contact to signal to others that we are ready to speak, or we use it to cue others to speak. Most people have been in that awkward situation where a teacher asks a question, no one else offers a response, and he or she looks directly at us as if to say, "What do you think?" In that case, the teacher's eye contact is used to cue us to respond. During an interaction, eye contact also changes as we shift from speaker to listener. US Americans typically shift eye contact while speaking—looking away from the listener and then looking back at his or her face every few seconds. Toward the end of our speaking turn, we make more direct eye contact with our listener to indicate that we are finishing up. While listening, we tend to make more sustained eye contact, not glancing away as regularly as we do while speaking (Martin & Nakayama, 2010).

Aside from regulating conversations, eye contact is also used to monitor interaction by taking in feedback and other nonverbal cues and to send information. Our eyes bring in the visual information we need to interpret people's movements, gestures, and eye contact. A speaker can use his or her

eye contact to determine if an audience is engaged, confused, or bored and then adapt his or her message accordingly. Our eyes also send information to others. People know not to interrupt when we are in deep thought because we naturally look away from others when we are processing information. Making eye contact with others also communicates that we are paying attention and are interested in what another person is saying.

Eye contact can also be used to intimidate others. We have social norms about how much eye contact we make with people, and those norms vary depending on the setting and the person. Staring at another person in some contexts could communicate intimidation, while in other contexts it could communicate flirtation. As we learned, eye contact is a key immediacy behavior, and it signals to others that we are available for communication. Once communication begins, if it does, eye contact helps establish rapport or connection.

We can also use our eye contact to signal that we do not want to make a connection with others. For example, in a public setting like an airport or a gym where people often make small talk, we can avoid making eye contact with others to indicate that we do not want to engage in small talk with strangers. Another person could use eye contact to try to coax you into speaking, though. For example, when one person continues to stare at another person who is not reciprocating eye contact, the person avoiding eye contact might eventually give in, become curious, or become irritated and say, “Can I help you with something?” As you can see, eye contact sends and receives important communicative messages that help us interpret others’ behaviors, convey information about our thoughts and feelings, and facilitate or impede rapport or connection. This list reviews the specific functions of eye contact:

- Regulate interaction and provide turn-taking signals
- Monitor communication by receiving nonverbal communication from others
- Signal cognitive activity (we look away when processing information)
- Express engagement (we show people we are listening with our eyes)
- Convey intimidation
- Express flirtation
- Establish rapport or connection

Pupil dilation is a subtle component of oculosics that does not get as much scholarly attention in communication as eye contact does. Pupil dilation refers to the expansion and contraction of the black part of the center of our eyes and is considered a biometric form of measurement; it is involuntary and therefore seen as a valid and reliable form of data collection as opposed to self-reports on surveys or interviews that can be biased or misleading. Our pupils dilate when there is a lack of lighting and contract when light is plentiful (Guerrero & Floyd, 2006). Pain, sexual attraction, general arousal, anxiety/stress, and information processing (thinking) also affect pupil dilation. Researchers measure pupil dilation for a number of reasons. For example, advertisers use pupil dilation as an indicator of consumer preferences, assuming that more dilation indicates arousal and attraction to a product.

We do not consciously read others’ pupil dilation in our everyday interactions, but experimental research has shown that we subconsciously perceive pupil dilation, which affects our impressions and

communication. In general, dilated pupils increase a person’s attractiveness. Even though we may not be aware of this subtle nonverbal signal, we have social norms and practices that may be subconsciously based on pupil dilation. Take for example the notion of mood lighting and the common practice of creating a “romantic” ambiance with candlelight or the light from a fireplace. Softer and more indirect light leads to pupil dilation, and although we intentionally manipulate lighting to create a romantic ambiance, not to dilate our pupils, the dilated pupils are still subconsciously perceived, which increases perceptions of attraction (Andersen, 1999).

Facial Expressions

Our faces are the most expressive part of our bodies. Think of how photos are often intended to capture a particular expression “in a flash” to preserve for later viewing. Even though a photo is a snapshot in time, we can still interpret much meaning from a human face caught in a moment of expression, and basic facial expressions are recognizable by humans all over the world. Much research has supported the universality of a core group of facial expressions: *happiness, sadness, fear, anger, and disgust*. The first four are especially identifiable across cultures (Andersen, 1999). However, the triggers for these expressions and the cultural and social norms that influence their displays are still culturally diverse. If you have spent much time with babies, you know that they are capable of expressing all these emotions. Getting to see the pure and innate expressions of joy and surprise on a baby’s face is what makes playing peek-a-boo so entertaining for adults. As we get older, we learn and begin to follow display rules for facial expressions and other signals of emotion and learn to better control our emotional expression based on the norms of our culture.

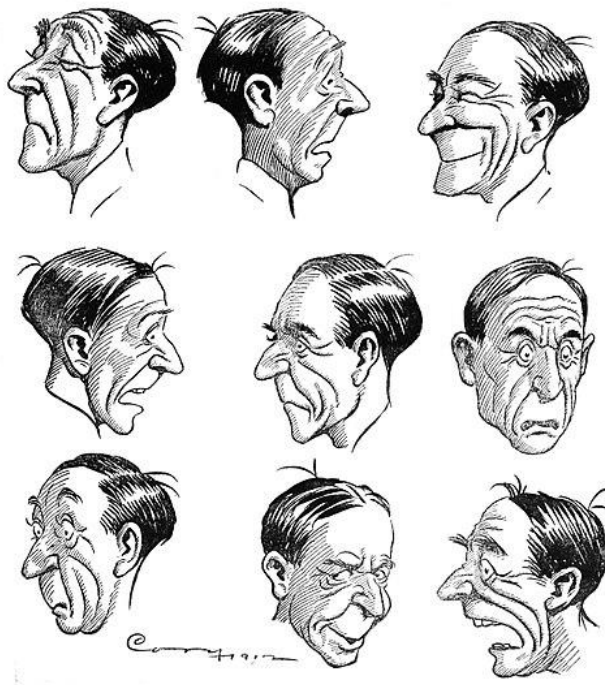


Figure 2.1 This artist is practicing facial expressions; what do you think each face stands for? [Facial expressions](#) by Cory J. Campbell is in the public domain.

Smiles are powerful communicative signals and, as you will recall, are a key immediacy behavior. Although facial expressions are typically viewed as innate and several are universally recognizable, they are not always connected to an emotional or internal biological stimulus; they can actually serve a more social purpose. For example, most of the smiles we produce are primarily made for others and are not just an involuntary reflection of an internal emotional state (Andersen, 1999). These social smiles, however, are slightly but perceptibly different from smiles that are more genuine. People generally perceive smiles as more genuine when the other person smiles “with their eyes.” This particular type of smile is difficult if not impossible to fake because the muscles around the eye that are activated when we spontaneously or genuinely smile are not under our voluntary control. It is the involuntary and spontaneous contraction of these muscles that moves the skin around our cheeks, eyes, and nose to create a smile that is distinct from a fake or polite smile (Evans, 2001). People are able to distinguish the difference between these smiles, which is why photographers often engage in cheesy joking with adults or use props with children to induce a genuine smile before they snap a picture

Facial expressions can communicate that a speaker is tired, excited, angry, confused, frustrated, sad, confident, smug, shy, or bored. Even if you are not bored, for example, a slack face with little animation may lead an audience to think that you are bored with your own speech, which is not likely to motivate them to be interested. So, make sure your facial expressions are communicating an emotion, mood, or personality trait that you think your audience will view favorably, and that will help you achieve your speech goals. Also, make sure your facial expressions match the content of your speech. When delivering something lighthearted or humorous, a smile, bright eyes, and slightly raised eyebrows will nonverbally enhance your verbal message. When delivering something serious or somber, a furrowed brow, a tighter mouth, and even a slight head nod can enhance that message. If your facial expressions and speech content are not consistent, your audience could become confused by the mixed messages, which could lead them to question your honesty and credibility.

Haptics

Think of how touch has the power to comfort someone in moment of sorrow when words alone cannot. This positive power of touch is countered by the potential for touch to be threatening because of its connection to sex and violence. To learn about the power of touch, we turn to haptics, which refers to the study of communication by touch. We probably get more explicit advice and instruction on how to use touch than any other form of nonverbal communication. A lack of nonverbal communication competence related to touch could have negative interpersonal consequences; for example, if we do not follow the advice we have been given about the importance of a firm handshake, a person might make negative judgments about our confidence or credibility. A lack of competence could have more dire negative consequences, including legal punishment, if we touch someone inappropriately (intentionally or unintentionally). Touch is necessary for human social development, and it can be welcoming, threatening, or persuasive.

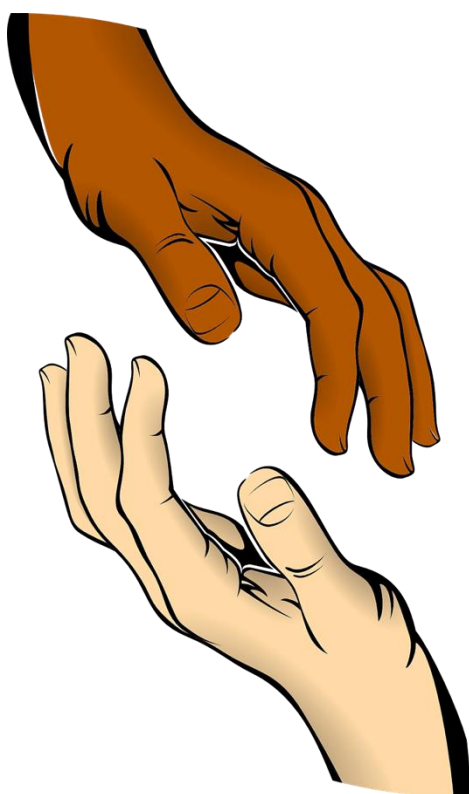


Figure 2.2 Haptics is the perception of touch. Image is in the public domain. [Image](#) is used under a [CC-BY 4.0](#) license.

Research projects have found that students evaluated a library and its staff more favorably if the librarian briefly touched the patron while returning his or her library card, that female restaurant servers received larger tips when they touched patrons, and that people were more likely to sign a petition when the petitioner touched them during their interaction (Andersen, 1999).

There are several types of touch, including functional-professional, social-polite, friendship-warmth, love-intimacy, and sexual-arousal touch (Heslin & Apler, 1983). At the functional-professional level, touch is related to a goal or part of a routine professional interaction, which makes it less threatening and more expected. For example, we let barbers, hairstylists, doctors, nurses, tattoo artists, and security screeners touch us in ways that would otherwise be seen as intimate or inappropriate if not in a professional context.

At the social-polite level, socially sanctioned touching behaviors help initiate interactions and show that others are included and respected. A handshake, a pat on the arm, and a pat on the shoulder are examples of social-polite touching. A handshake is actually an abbreviated handholding gesture, but we know that prolonged handholding would be considered too intimate and therefore inappropriate at the functional-professional or social-polite level. At the functional-professional and social-polite levels, touch still has interpersonal implications. The touch, although professional and not intimate, between hair stylist and client, or between nurse and patient, has the potential to be therapeutic and comforting. In addition, a social-polite touch exchange plays into initial impression formation, which can have important implications for how an interaction and a relationship unfold.

Of course, touch is also important at levels that are more intimate. At the friendship-warmth level, touch is more important and more ambiguous than at the social-polite level. At this level, touch interactions are important because they serve a relational maintenance purpose and communicate closeness, liking, care, and concern. The types of touching at this level also vary greatly from more formal and ritualized to more intimate, which means friends must sometimes negotiate their own comfort level with various types of touch and may encounter some ambiguity if their preferences do not match up with their relational partners.

In a friendship, for example, too much touch can signal sexual or romantic interest and too little touch can signal distance or unfriendliness. At the love-intimacy level, touch is more personal and is typically only exchanged between significant others, such as best friends, close family members, and romantic partners. Touching faces, holding hands, and full-frontal embraces are examples of touch at this level. Although this level of touch is not sexual, it does enhance feelings of closeness and intimacy and can lead to sexual-arousal touch, which is the most intimate form of touch, as it is intended to physically stimulate another person.

Touch is also used in many other contexts—for example, during play (e.g., arm wrestling), during physical conflict (e.g., slapping), and during conversations (e.g., to get someone’s attention) (Jones, 1999). We also inadvertently send messages through accidental touch (e.g., bumping into someone). One of my interpersonal communication professors admitted that she enjoyed going to restaurants to observe “first-date behavior” and boasted that she could predict whether or not there was going to be a second date based on the couple’s nonverbal communication. What sort of touching behaviors would indicate a good or bad first date?

During a first date or less formal initial interactions, quick fleeting touches give an indication of interest. For example, a pat on the back is an abbreviated hug (Andersen, 1999). In general, the presence or absence of touching cues us into people’s emotions. Therefore, as the daters sit across from each other, one person may lightly tap the others arm after he or she said something funny. If the daters are sitting side by side, one person may cross his or her legs and lean toward the other person so that each person’s knees or feet occasionally touch. Touching behavior as a way to express feelings is often reciprocal. A light touch from one dater will be followed by a light touch from the other to indicate that the first touch was OK. While verbal communication could also be used to indicate romantic interest, many people feel too vulnerable at this early stage in a relationship to put something out there in words. If your date advances a touch and you are not interested, it is also unlikely that you will come right out and say, “Sorry, but I’m not really interested.” Instead, due to common politeness rituals, you would be more likely to respond with other forms of nonverbal communication like scooting back, crossing your arms, or simply not acknowledging the touch. A hug can be obligatory, meaning that you do it because you feel like you have to, not because you want to. Even though you may think that this type of hug does not communicate emotions, it definitely does. A limp, weak, or retreating hug may communicate anger, ambivalence, or annoyance. Think of other types of hugs and how you hug different people. Some types of hugs are the crisscross hug, the neck-waist hug, and the engulfing hug (Floyd, 2006). The crisscross hug is a rather typical hug where each person’s arm is below or above the other person’s arm. This hug is common among friends, romantic partners, family members, and perhaps even coworkers. The neck-waist hug usually occurs in more intimate relationships as it involves one person’s arms around the others neck and the other person’s

arms around the others waist. I think of this type of hug as the “slow-dance hug.” The engulfing hug is similar to a bear hug in that one person completely wraps the arms around the other as that person stands there. This hugging behavior usually occurs when someone is very excited and hugs the other person without warning.

Some other types of hugs are the “shake-first-then-tap hug” and the “back-slap hug.” I observe that these hugs are most often between men. The shake-first-then-tap hug involves a modified handshake where the hands are joined more with the thumb and fingers than the palm and the elbows are bent so that the shake occurs between the two huggers’ chests. The hug comes after the shake has been initiated with one arm going around the other person for usually just one tap, then a step back and release of the handshake. In this hugging behavior, the handshake that is maintained between the chests minimizes physical closeness and the intimacy that may be interpreted from the crisscross or engulfing hug where the majority of the huggers’ torsos are touching. This move away from physical closeness likely stems from a US norm that restricts men’s physical expression of affection due to homophobia or the worry of being perceived as gay. The slap hug is also a less physically intimate hug and involves a hug with one or both people slapping the other person’s back repeatedly, often while talking to each other. I have seen this type of hug go on for many seconds and with varying degrees of force involved in the slap. When the slap is more of a tap, it is actually an indication that one person wants to let go. The video footage of then-president Bill Clinton hugging Monica Lewinsky that emerged as allegations that they had an affair were being investigated shows her holding on, while he was tapping from the beginning of the hug.

Getting Critical - Airport Pat-Downs: The Law, Privacy, and Touch

Everyone who has flown over the past ten years has experienced the steady increase in security screenings. Since the terrorist attacks on September 11, 2001, airports around the world have had increased security. While passengers have long been subject to pat downs if they set off the metal detector or arouse suspicion, recently foiled terrorist plots have made passenger screening more personal. The “shoe bomber” led to mandatory shoe removal and screening, and the more recent use of nonmetallic explosives hidden in clothing or in body cavities led to the use of body scanners that can see through clothing to check for concealed objects (Thomas, 2011). Protests against and anxiety about the body scanners, more colloquially known as “naked x-ray machines,” led to the new “enhanced pat-down” techniques for passengers who refuse to go through the scanners or passengers who are randomly selected or arouse suspicion in other ways.

The strong reactions are expected given what we have learned about the power of touch as a form of nonverbal communication. The new pat-downs routinely involve touching the areas around a passenger’s breasts and/or genitals with a sliding hand motion. The Transportation Security Administration (TSA) notes that the areas being examined have not changed, but the degree of the touch has, as screeners now press and rub more firmly but used to use a lighter touch (Kravitz, 2010). Interestingly, police have long been able to use more invasive pat-downs, but only with probable cause. In the case of random selection at the airport, no probable cause provision has to be met, giving TSA agents more leeway with touch than police officers. Experts in aviation security differ in their assessment of the value of the pat-downs and other security procedures. Several experts have called for a revision of the random selection process in favor of more targeted screenings.

What civil rights organizations critique as racial profiling, consumer rights activists and some security experts say allows more efficient use of resources and less inconvenience for the majority of passengers (Thomas, 2011). Although the TSA has made some changes to security screening procedures and have announced more to come, some passengers have started a backlash of their own. There have been multiple cases of passengers stripping down to their underwear or getting completely naked to protest the pat-downs, while several other passengers have been charged with assault for “groping” TSA agents in retaliation. Footage of pat-downs of toddlers and grandmothers in wheelchairs and self-uploaded videos of people recounting their pat-down experiences have gone viral on YouTube.

Vocalics

In the study of language **para-language** refers to the vocalized but nonverbal parts of a message. **Vocalics** is the study of para-language, which includes the vocal qualities that go along with verbal messages, such as pitch, volume, rate, vocal quality, and verbal fillers (Andersen, 1999). Pitch helps convey meaning, regulate conversational flow, and communicate the intensity of a message. Even babies recognize a sentence with a higher pitched ending as a question. We also learn that greetings have a rising emphasis and farewells have falling emphasis. Of course, no one ever tells us these things explicitly; we learn them through observation and practice. We do not notice some more subtle and/or complex patterns of para-language involving pitch until we are older. Children, for example, have a difficult time perceiving sarcasm, which is usually conveyed through para-linguistic characteristics like pitch and tone rather than the actual words being spoken. Adults with lower than average intelligence and children have difficulty reading sarcasm in another person’s voice and instead may interpret literally, what they say (Andersen, 1999).



Pin It! Dive into Para-Language

Follow this [link](#) to learn more about para-language. Did you communicate in para-language today? How many times?

Para-language provides important context for the verbal content of speech. For example, volume helps communicate intensity. A louder voice is usually thought of as more intense, although a soft voice combined with a certain tone and facial expression can be just as intense. We typically adjust our volume based on our setting, the distance between people, and the relationship. In our age of computer-mediated communication, TYPING IN ALL CAPS is usually seen as offensive, as it is equated with yelling. A voice at a low volume or a whisper can be very appropriate when sending a covert message or flirting with a romantic partner, but it would not enhance a person’s credibility if used during a professional presentation.

Speaking rate refers to how fast or slow a person speaks and can lead others to form impressions about our emotional state, credibility, and intelligence. As with volume, variations in speaking rate can interfere with the ability of others to receive and understand verbal messages. A slow speaker could bore others and lead their attention to wander. A fast speaker may be difficult to follow, and the fast delivery can actually distract from the message. Speaking a little faster than the normal 120–150 words a minute, however, can be beneficial, as people tend to find speakers whose rate is above average more credible and intelligent (Buller & Burgoon, 1986). When speaking at a faster-than-normal rate, it is important that a speaker also clearly articulate and pronounce his or her words. Boomhauer, a character on the show *King of the Hill*, is an example of a speaker whose fast rate of speech combines with a lack of articulation and pronunciation to create a stream of words that only he can understand. A higher rate of speech combined with a pleasant tone of voice can also be beneficial for compliance gaining and can aid in persuasion.

Our tone of voice can be controlled somewhat with pitch, volume, and emphasis, but each voice has a distinct quality known as a vocal signature. Voices vary in terms of resonance, pitch, and tone, and some voices are more pleasing than others. People typically find pleasing voices that employ vocal variety and are not monotone, are lower pitched (particularly for males), and do not exhibit particular regional accents. Many people perceive nasal voices negatively and assign negative personality characteristics to them (Andersen, 1999). Think about people who have very distinct voices. Whether they are a public figure like President Bill Clinton, a celebrity like Snooki from the *Jersey Shore* or a fictional character like Peter Griffin from *Family Guy*, some people’s voices stick with us and make a favorable or unfavorable impression.

Verbal fillers are sounds that fill gaps in our speech as we think about what to say next. They are considered a part of nonverbal communication because they are not like typical words that stand in for a specific meaning or meanings. Verbal fillers such as “um,” “uh,” “like,” and “ah” are common in regular conversation and are not typically disruptive. As we learned earlier, the use of verbal fillers can help a person “keep the floor” during a conversation if they need to pause for a moment to think before continuing with verbal communication. Verbal fillers in more formal settings, like a public speech, can hurt a speaker’s credibility.

Proxemics

Proxemics refers to the study of how space and distance influence communication. We only need look at the ways in which space shows up in common metaphors to see that space, communication, and relationships are closely related. For example, when we are content with and attracted to someone, we say we are “close” to him or her. When we lose connection with someone, we may say he or she is “distant.” In general, space influences how people communicate and behave. Smaller spaces with a higher density of people often lead to breaches of our personal space bubbles. If this is a setting, in which this type of density is expected beforehand, as if at a crowded concert or on a train during rush hour, then we make various communicative adjustments to manage the space issue.

Unexpected breaches of personal space can lead to negative reactions, especially if we feel someone has violated our space voluntarily, meaning that a crowding situation did not force them into our space. Additionally, research has shown that crowding can lead to criminal or delinquent behavior, known as a “mob mentality” (Andersen, 1999). To better understand how proxemics functions in

nonverbal communication, we will more closely examine the proxemic distances associated with personal space and the concept of territoriality.

Proxemic Distances

We all have varying definitions of what our “personal space” is, and these definitions are contextual and depend on the situation and the relationship. Although our bubbles are invisible, people are socialized into the norms of personal space within their cultural group. Scholars have identified four zones for US Americans, which are public, social, personal, and intimate distance (Hall, 1968). The zones are more elliptical than circular, taking up more space in our front, where our line of sight is, than at our side or back where we cannot monitor what people are doing. You can see how these zones relate to each other and to the individual in “Proxemics Zones of Personal Space.” Even within a particular zone, interactions may differ depending on whether someone is in the outer or inner part of the zone.

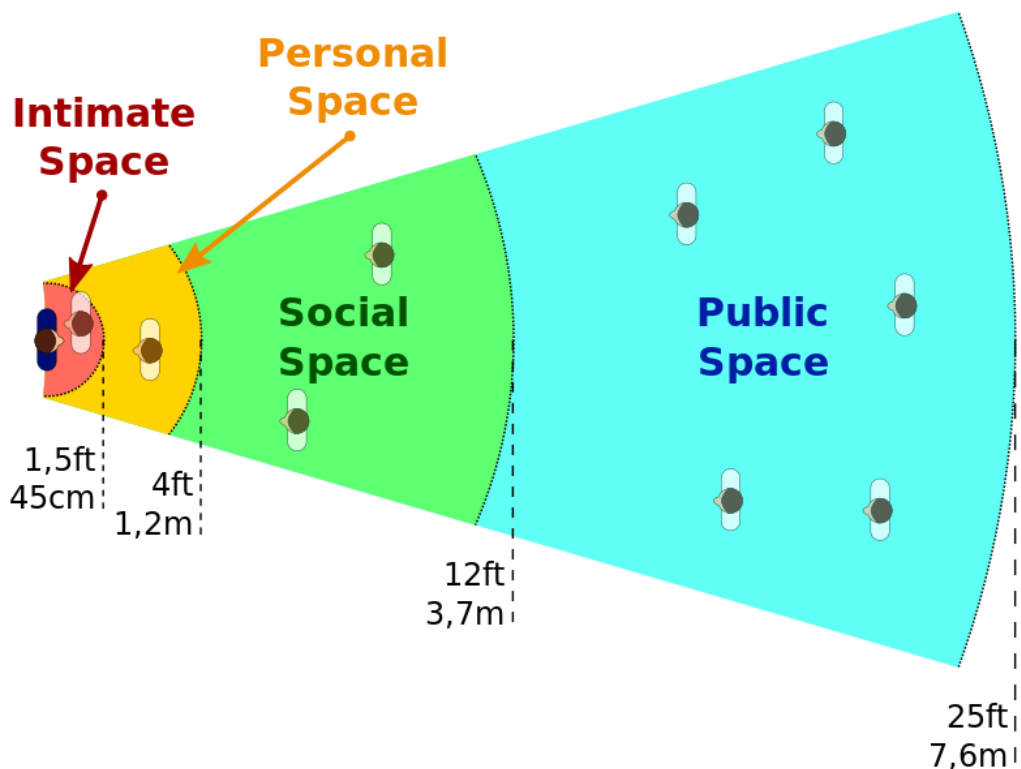


Figure 2.3 Personal Spaces in Proxemics by [Jean-Louis Grall](#) is used under a [Creative Commons Attribution-Share Alike 3.0 Unported](#).

Public Space (12 Feet or More)

Public and social zones refer to the space four or more feet away from our body, and the communication that typically occurs in these zones is formal and not intimate. Public space starts about twelve feet from a person and extends out from there. This is the least personal of the four zones and would typically be used when a person is engaging in a formal speech and is removed from the audience to allow the audience to see or when a high-profile or powerful person like a celebrity or executive maintains such a distance as a sign of power or for safety and security reasons. In terms of

regular interaction, we are often not obligated or expected to acknowledge or interact with people who enter our public zone. It would be difficult to have a deep conversation with someone at this level because you have to speak louder and do not have the physical closeness that is often needed to promote emotional closeness and/or establish rapport.

Social Space (4–12 Feet)

Communication that occurs in the social zone, which is four to twelve feet away from our body, is typically in the context of a professional or casual interaction, but not intimate or public. This distance is preferred in many professional settings because it reduces the suspicion of any impropriety. The expression “keep someone at an arm’s length” means that someone is kept out of the personal space and kept in the social/professional space. If two people held up their arms and stood so just the tips of their fingers were touching, they would be around four feet away from each other, which is perceived as a safe distance because the possibility for intentional or unintentional touching does not exist. It is also possible to have people in the outer portion of our social zone but not feel obligated to interact with them, but when people come much closer than six feet to us then we often feel obligated to at least acknowledge their presence. In many typically sized classrooms, much of your audience for a speech will actually be in your social zone rather than your public zone, which is actually beneficial because it helps you establish a better connection with them.

Personal Space (1.5–4 Feet)

Personal and intimate zones refer to the space that starts at our physical body and extends four feet. These zones are reserved for friends, close acquaintances, and significant others. Much of our communication occurs in the personal zone, which is what we typically think of as our “personal space bubble” and extends from 1.5 feet to 4 feet away from our body. Even though we are getting closer to the physical body of another person, we may use verbal communication at this point to signal that our presence in this zone is friendly and not intimate. Even people who know each other could be uncomfortable spending too much time in this zone unnecessarily. This zone is broken up into two sub-zones, which helps us negotiate close interactions with people we may not be close to interpersonally.

The outer-personal zone extends from 2.5 feet to 4 feet and is useful for conversations that need to be private but that occur between people who are not interpersonally close. This zone allows for relatively intimate communication but does not convey the intimacy that a closer distance would, which can be beneficial in professional settings. The inner-personal zone extends from 1.5 feet to 2.5 feet and is a space reserved for communication with people we are inter-personally close to or trying to get to know. In this sub-zone, we can easily touch the other person as we talk to them; briefly placing a hand on his or her arm or engaging in other light social touching that facilitates conversation, self-disclosure, and feelings of closeness.



Figure 2.4 Individuals all determine their own sense of personal space. [Image](#) is used under a [CC-BY SA 2.0](#) license.

Intimate Space

As we breach the invisible line that is 1.5 feet from our body, we enter the intimate zone, which is reserved for only the closest friends, family, and romantic/intimate partners. It is impossible to completely ignore people when they are in this space, even if we are trying to pretend that we are ignoring them. A breach of this space can be comforting in some contexts and annoying or frightening in others. We need regular human contact that is not just verbal but also physical. We have already discussed the importance of touch in nonverbal communication, and in order for that much-needed touch to occur, people have to enter our intimate space. Being close to someone and feeling their physical presence can be very comforting when words fail. There are also social norms regarding the amount of this type of closeness that can be displayed in public, as some people get uncomfortable even seeing others interacting in the intimate zone. While some people are comfortable engaging in or watching others engage in PDAs (public displays of affection) others are not.

So, what happens when our space is violated? Although these zones are well established in research for personal space preferences of US Americans, individuals vary in terms of their reactions to people entering certain zones and determining what constitutes a “violation” of space is subjective and contextual. For example, another person’s presence in our social or public zones does not typically arouse suspicion or negative physical or communicative reactions, but it could in some situations or with certain people. However, many situations lead to our personal and intimate space being breached by others against our will, and these breaches are more likely to be upsetting, even when they are expected. We have all had to get into a crowded elevator or wait in a long line. In such situations, we may rely on some verbal communication to reduce immediacy and indicate that we are not interested in closeness and are aware that a breach has occurred. People make comments about the crowd, saying, “We’re really packed in here like sardines,” or use humor to indicate that they are pleasant and well-adjusted and uncomfortable with the breach like any “normal” person would be. Interestingly, as we will learn in our discussion of territoriality, we do not often use verbal communication to defend our personal space during regular interactions. Instead, we rely on more nonverbal communication like moving, crossing our arms, or avoiding eye contact to deal with breaches of space.

Territoriality

Territoriality is an innate drive to take up and defend spaces. Many creatures and entities, ranging from packs of animals to individual humans to nations, share this drive. Whether it is a gang territory, a neighborhood claimed by a particular salesperson, your preferred place to sit in a restaurant, your usual desk in the classroom, or the seat you have marked to save while getting concessions at a sporting event, we claim certain spaces as our own. There are three main divisions for territory: primary, secondary, and public (Hargie, 2011). Sometimes our claim to a space is official. These spaces are known as our primary territories because they are marked or understood to be exclusively ours and under our control. A person’s house, yard, room, desk, side of the bed, or shelf in the medicine cabinet could be considered primary territories.

Secondary territories don’t belong to us and aren’t exclusively under our control, but they are associated with us, which may lead us to assume that the space will be open and available to us when we need it without us taking any further steps to reserve it. This happens in classrooms regularly. Students often sit in the same desk or at least same general area as they did on the first day of class. There may be some small adjustments during the first couple of weeks, but by a month into the semester, I do not notice students moving much voluntarily. When someone else takes a student’s regular desk, she or he is typically annoyed. I do classroom observations for the graduate teaching assistants I supervise, which means I come into the classroom toward the middle of the semester and take a seat in the back to evaluate the class session. Although I do not intend to take someone’s seat, on more than one occasion, the confused or even glaring eyes of a student whose routine is suddenly interrupted when they see me sitting in “their seat” have met me.



Figure 2.5 Animals will often fight for territory. [Fighting Hartbeestis](#) used under a [Attribution-Share Alike 2.0 Generic](#).

Public territories are open to all people. People are allowed to mark public territory and use it for a limited period, but space is often up for grabs, which makes public space difficult to manage for some people and can lead to conflict. To avoid this type of situation, people use a variety of objects that are typically recognized by others as nonverbal cues that mark a place as temporarily reserved—for example, jackets, bags, papers, or a drink. There is some ambiguity in the use of markers, though. A half-empty cup of coffee may be seen as trash and thrown away, which would be an annoying surprise to a person who left it to mark his or her table while visiting the restroom. One scholar’s informal observation revealed that a full drink sitting on a table could reserve a space in a university cafeteria for more than an hour, but a cup only half full usually only worked as a marker of territory for less than ten minutes. People have to decide how much value they want their marker to have. Obviously, leaving a laptop on a table indicates that the table is occupied, but it could also lead to the laptop being stolen. A pencil, on the other hand, could just be moved out of the way and the space usurped.

Chronemics

Chronemics refers to the study of how time affects communication. Time can be classified into several different categories, including biological, personal, physical, and cultural time (Andersen, 1999). Biological time refers to the rhythms of living things. Humans follow a circadian rhythm, meaning that we are on a daily cycle that influences when we eat, sleep, and wake. When our natural rhythms are disturbed, by all-nighters, jet lag, or other scheduling abnormalities, our physical and mental health and our communication competence and personal relationships can suffer. Keep biological time in mind as you communicate with others. Remember that early morning conversations and speeches may require more preparation to

get yourself awake enough to communicate well and a more patient or energetic delivery to accommodate others who may still be getting warmed up for their day.

Personal time refers to the ways in which individuals experience time. The way we experience time varies based on our mood, our interest level, and other factors. Think about how quickly time passes when you are interested in and therefore engaged in something. I have taught fifty-minute classes that seemed to drag on forever and three-hour classes that zipped by. Individuals also vary based on whether or not they are future or past oriented. People with past-time orientations may want to reminisce about the past, reunite with old friends, and put considerable time into preserving memories and keepsakes in scrapbooks and photo albums. People with future-time orientations may spend the same amount of time making career and personal plans, writing out to-do lists, or researching future vacations, potential retirement spots, or what book they are going to read next.

Physical time refers to the fixed cycles of days, years, and seasons. Physical time, especially seasons, can affect our mood and psychological states. Some people experience seasonal affective disorder that leads them to experience emotional distress and anxiety during the changes of seasons, primarily from warm and bright to dark and cold (summer to fall and winter).

Cultural time refers to how a large group of people views time. Poly-chronic people do not view time as a linear progression that needs to be divided into small units and scheduled in advance. Poly-chronic people keep more flexible schedules and may engage in several activities at once. Mono-chronic people tend to schedule their time more rigidly and do one thing at a time. A poly-chronic or mono-chronic orientation to time influences our social realities and how we interact with others.

Additionally, the way we use time depends in some ways on our status. For example, doctors can make their patients wait for extended periods, and executives and celebrities may run consistently behind schedule, making others wait for them. Promptness and the amount of time that is socially acceptable for lateness and waiting varies among individuals and contexts. Chronemics also covers the amount of time we spend talking. We have already learned that conversational turns and turn-taking patterns are influenced by social norms and help our conversations progress. We all know how annoying it can be when a person dominates a conversation or when we cannot get a person to contribute anything.

Personal Presentation and Environment

Personal presentation involves two components: our physical characteristics and the artifacts with which we adorn and surround ourselves. Physical characteristics include body shape, height, weight, attractiveness, and other physical features of our bodies. We do not have as much control over how these nonverbal cues are encoded as we do with many other aspects of nonverbal communication.

These characteristics play a large role in initial impression formation even though we know we “shouldn’t judge a book by its cover.” Although ideals of attractiveness vary among cultures and individuals, research consistently indicates that people who are deemed attractive based on physical characteristics have distinct advantages in many aspects of life. This fact, along with media images that project often unrealistic ideals of beauty, have contributed to booming health and beauty, dieting, gym, and plastic surgery industries. While there have been some controversial reality shows that seek to transform people’s physical characteristics, like *Extreme Makeover*, *The Swan*, and *The Biggest Loser*, the relative ease with which we can change the artifacts that send nonverbal cues about us has led to many more style and space makeover shows.

Have you ever tried to consciously change your “look?” I can distinctly remember two times in my life when I made big changes in how I presented myself in terms of clothing and accessories. In high school, at the height of the “thrift store” craze, I started wearing clothes from the local thrift store daily. Of course, most of them were older clothes, so I was going for a “retro” look, which I thought suited, me at the time. Then in my junior year of college, as graduation finally seemed on the horizon and I felt myself entering a new stage of adulthood, I started wearing business-casual clothes to school every day, embracing the “dress for the job you want” philosophy. In both cases, these changes definitely influenced how others perceived me. Television programs like *What Not to Wear* seek to show the power of wardrobe and personal style changes in how people communicate with others.



Act It Out! “Communicating Across Cultures” - Intercultural Communication Simulation

Three corporations—a commercial bank, a construction firm, and a hotel development company—are planning a joint venture to build a new retail shopping complex in Perth, Australia. The staffs from these three companies come from three different cultures: Blue, Green and Yellow. Each culture has specific traits, values, customs and practices.

You are a manager in the company to which you have been assigned. You will attend the opening cocktail party of a three-day meeting during which the three companies will negotiate the details of the partnership. Your management team is headed by a vice president.

Please do the following:

1. Meet with the other managers of your company to discuss what your objectives and approaches will be at the cocktail party.
2. Using the description of your assigned culture, practice how you will talk and behave at the party. Be sure to practice conversation distance, greeting rituals, and nonverbal behavior. Practice until you are reasonably familiar with your cultural orientation.
3. At the cocktail party, interact with the managers from the other companies. Maintain the role you have been assigned, but do not discuss the characteristics of that role explicitly with anyone. Notice how other people react to you, and how you react to them.
4. Be ready to discuss what you have observed about your own behavior and reactions as well as the behavior and reactions of others.

From: Daphne A. Jameson, “Using a Simulation to Teach Intercultural Communication in Business Communication Courses,” *The Bulletin*, March 1993, pp. 3-11.

BLUE CULTURE - HOTEL DEVELOPMENT COMPANY^{vii}

Beliefs, Values and Attitudes that Underlie Your Culture's Communication

- You believe that fate and luck control most things.
- You believe in feelings more than reasoning.

- In your culture, an authoritarian leader makes the final decisions.

Nonverbal Traits of Your Culture

- You treat time as something that is not important.
- Your conversation distance is close (about 15 inches, face-to-face).
- You touch others on the arm occasionally when in conversation.

Verbal Traits of Your Culture

- You frequently express gratitude and other emotions to others.
- You interrupt others who are speaking and are not offended if they interrupt you.

Business Customs in Your Culture

- You treat women as superior to men. You avoid conflict.

Greetings and Courtesies

- When meeting someone or leaving them, you hug warmly but gently.
- Your most common method of greeting is to say, "Howdy, pal!"
- You call everyone by their first names, and you refer directly to people by name frequently in conversation (e.g., "As I was telling you, George . . .")

Food

- You eat and drink with gusto. In your culture, eating and drinking are considered some of the greatest pleasures in life.
- You think it is a sign of friendship and sharing to take food from another person's plate to eat yourself.

YELLOW CULTURE - Construction Company

Beliefs, Values and Attitudes that Underlie Your Culture

- You believe that people determine their own destinies. You make decisions in a democratic manner.
- You believe in reason over feelings.

Nonverbal Traits of Your Culture

- Your conversation distance is far (about 35 inches, face-to-face).
- You believe that time is a valuable commodity, and you don't want to waste any.
- You openly express emotions (e.g., anger, dissatisfaction, happiness).

Verbal Traits of Your Culture

- You are direct in expressing your ideas and opinions.
- You ask many questions.
- You don't express thanks to others because in your view people chose their actions to create their own destinies; in other words, if someone does something for you, he/she is also doing it for himself/herself.

Business Customs in Your Culture

- You welcome conflict as a way of reaching a better decision. You treat women and men as equals.

Greetings and Courtesies

- When meeting someone or leaving them, you shake hands firmly.
- Your most common greeting phrase is, "Good morning" or "Good afternoon."
- You call people (except for children) by their title (Mr., Mrs., Ms.) plus their family name.

Food

- It is considered uncivilized and uncouth--and thus is taboo--to eat any raw food such as uncooked fruits and vegetables.
- It is also considered uncivilized to let your hands touch your food--all food is eaten either with a fork or spoon or by holding it with a napkin.

GREEN CULTURE - Commercial Bank

Beliefs, Values and Attitudes that Underlie Your Culture's Communication

- Members of your culture are strongly religious and believe that a higher power directly and frequently intervenes in human affairs.
- Your culture makes decisions by consensus of the group and only after thorough discussion.

Nonverbal Traits of Your Culture

- You avoid eye contact with strangers.
- Your conversation distance is medium (about 25 inches, face-to-face).

Verbal Traits of Your Culture

- You never contradict others directly in conversation. Silence is considered a positive and affirmative signal.

Business Customs in Your Culture

- You treat men as superior to women.
- In business settings, men and women often segregate themselves.

Greetings and Courtesies

- You call people by the courtesy title, "Brother" or "Sister," followed by their first names.
- Your most common greeting phrase is "Peace."
- You bow slightly when greeting someone.

Food

- In your culture, people are very conscious of cleanliness, so you always tuck a napkin in your collar before eating or drinking anything.
- In a group, you always make sure that everyone else has enough to eat before you eat yourself.

Chapter 3 – Evolving Nature of Multiculturalism and Community Engagement

Key Learning Objectives:

- Be able to explain culture and how it impacts law enforcement and the community they serve
- Explain the history of multiculturalism and how presents challenges for law enforcement agencies
- Be able to identify how police departments can improve diversity through hiring and recruitment processes.
- Identify key laws and how they impact hiring, testing and examination processes used by police departments

3.1 - What is a Culture?^{viii}

Culture is one of those broad concepts that is used widely, although somewhat imprecisely, in everyday English. It also cuts across many academic disciplines. It touches, for instance, on anthropology, biology, history, mythology, political science, psychology, and sociology.



Pin It! Presentation on Culture and Society

View this [PowerPoint](#) on Culture and Society to better define these terms.

3.2 - History of Evolution of Multiculturalism in the United States^{ix}

Where countries are changing and adding cultural and ethnic multiplicity, the police are most likely to be aligned with the old cultural and ethnic guard, or they may be perceived as such by new, or newly empowered, constituents. As a result, questions about the philosophy and practice of policing are ultimately liable to come under close and probing scrutiny.

The police operate at “street level,” where they have direct contact with all who are involved in any way with law and public safety. In fact, the police represent the sole agency with which the vast majority of those who ever have any dealings with the criminal justice system come into contact. As a result, the police have enormous power to influence attitudes and public opinion about fundamental concerns regarding a political entity’s capacity to act in just, legitimate, and accountable ways. Police-community relations are shaped on the street and in the station houses, and it is there that such controversial practices as profiling and “zero tolerance” are enacted. Using their discretionary arrest powers, the police are also the gatekeepers of the criminal justice process. They determine who is subjected to the power of the law and who is not.

Because of this unique role and powerful position in society, the police are likely both to influence and to be influenced by the social implications of migration and shifts in the political power of various communities. Rapid transformations in the relative heterogeneity of the population, and the accompanying discourse on multiculturalism, can lead to questions about the validity of definitions of laws or crimes for some groups and conceptions of “order” or “disorder” for others. Conversely, the arrival of new groups often provokes questions about the appropriateness of practicing what those groups consider “normal” domestic or familial relations, duties, or privileges. Thus, an increase in the number of ethnic, cultural, and linguistic communities and racial groups can give rise to conflicts about the legitimacy of legal and communal standards and definitions, and hence present an enormous challenge to law enforcement and order maintenance activities.

Police dealings with racial and ethnic minorities today are constrained by cultural and legal norms that are palpably different from those of the past. In the United States and elsewhere, there is a new level of cultural support for tolerance and equal treatment under the law. For America, this is a matter of cultural realities catching up with national ideals.

The United States is a nation of immigrants. From the beginning, it espoused the ideals of pluralism and equality. George Washington and other leaders thought they were creating a new race of men into which all the tribes of the world would be welcome to meld together, forming a new breed. It has taken two centuries to approach those ideals: one century to abolish slavery and another to prohibit discrimination.

The civil rights movement of the 1960s had a profound effect. Bigotry and direct discrimination still occur. But they no longer enjoy the protected status and public tolerance they once had. They are acts of individuals; not public policies enacted with the intent to discriminate. The police (and the government in general) can no longer choose sides. They must strive for impartiality or risk public denunciation and lawsuits.

For instance, the last time the United States faced the massive immigration it is experiencing today was at the end of the 19th century. Large numbers of immigrants from Southern and Eastern Europe streamed into the country. In the name of protecting the Anglo-Saxon race from mongrelization, political elites succeeded in passing immigration laws that completely

prohibited the immigration of Asians and placed restrictive quotas on the immigration of Italians, Slavs, and Jews.

Such patent discrimination is now unthinkable. Immigration restrictions were eliminated in the 1960s and 1970s as the norms against discrimination began permeating the culture. The impact of this change on policing can be seen in various examples. In 1954, state and local police throughout the southwestern states joined with the federal government to conduct a massive deportation of Mexican workers who were in the country illegally. Over a few weeks, 100,000 Mexicans were rounded up and expelled in what was officially called Operation Wetback. Radio stations called upon people to turn in suspected illegal immigrants. No apology was made, either for the use of ethnic slur “wetback” or for the harassment of Mexican-American citizens who were caught up in the dragnet.

In contrast, in 1997 the Chandler (Arizona) Police Department joined with the Federal Border Patrol to round up and deport 400 illegal Mexicans. In the process, they stopped several people who appeared to be Mexican and demanded to see their migration papers. The people were Americans and they objected. They filed a \$32 million lawsuit against the city and won. Moreover, the Arizona Attorney General issued a scathing criticism of the police. A human relations officer and a Hispanic police liaison officer were appointed. Police officers were required to attend 1,500 hours of classes on cultural awareness and hate crimes.

3.3 - Policing Challenges Present in a Multicultural Society^x

Delivery of policing services in multicultural communities is now common. Immigration has been the major driver of growth in many areas of the country. Asian immigrants have accounted for 43 percent of this growth since 1970, greatly increasing the presence of languages, cultural values, experiences, and lifestyles with which many other Americans have had little contact. Hispanic immigration and migration have reached every State in the country, resulting in new cross-cultural exchanges in many communities.

The social fabric of many communities is in transition. Multiculturalism is already a reality in many communities and institutions. The extraordinary infusion of newcomers can heighten risk factors for conflict because of the underdevelopment of social organization within the newly arrived population and the inexperience of existing governmental and community resources working with them. The movement of existing American-born racial and ethnic populations towards an increasingly suburban and rural pattern includes heightened vulnerability to racial incidents and conflict between police and citizens. Organized racial or ethnic gangs or gang-like groups may form to prey upon newer residents of other races and ethnic groups in an attempt to force them to move and to prevent others from moving to suburban or rural communities.

For these reasons understanding and recognizing changing community cultural and ethnic diversity is important to contemporary law enforcement efforts. Cultural characteristics such as

language, customs and traditions are key elements which affect the relationship between immigrant populations and police. The challenge for the law enforcement is to recognize community and cultural diversity by effectively responding to the law enforcement and community needs of culturally diverse groups. In trying to accomplish this mission law enforcement executives have successfully utilized such strategies as recruiting officers from the immigrant community, cultural diversity training, community involvement, establishing community advisory committees, and educating the immigrant population on the fundamentals of the U.S. criminal justice system.

Expanding or establishing community organizations to bridge relationships between racial and ethnic groups and between law enforcement and the community may be an important step towards improving community relations. Law enforcement executives and police officers would be well served by a high degree of involvement with community organizations, so that members of the police department are clearly seen as members of the community.

3.4 - Community Engagement^{xi}

As has been discussed throughout this chapter, community engagement is an essential component of police reform strategy. At the remedies stage, the focus shifts from the Division's engagement with the community to the law enforcement agency's engagement with the community, as well as the broader question of the agency's accountability to democratic processes and the public. Community engagement, oversight, and democratic accountability go hand-in-hand in the Division's current generation of reform agreements. All of the Division's current generation of consent decrees require some form of community outreach and engagement, including mechanisms to institutionalize strong relationships between the law enforcement agency and the community it serves, ensure the community has a role in setting priorities for a police department, and make police practices and data transparent to the public.

Community Outreach Plans:

Nearly all of the Division's current generation of reform agreements require law enforcement agencies to develop a plan for institutionalizing community engagement, whether by appointing community liaison officers, fostering police community partnerships, holding regular community meetings, or tracking and rewarding positive interactions between officers and community groups. For example, in East Haven, Connecticut, the Division's reform agreement requires the appointment of a Community Liaison Officer fluent in English and Spanish whose responsibilities include monthly community meetings, review of civilian complaints to identify trends in community concerns, and regular briefings on community engagement with police leadership.

Community Committees or Councils:

The Division's current model emphasizes the creation of or investment in standing committees or councils of community members with authority to advise the law enforcement agency about community concerns and proposed reforms. For example, in Seattle, Washington, the Division's reform agreement established a Community Police Commission with diverse membership and broad authority to review and provide input on police reform and to receive and incorporate community feedback.

Civilian Complaint Review Boards:

Civilian review boards, which are a focus of the discussion of accountability mechanisms in the section that follows, provide another mechanism for community members to engage with police practices.

Community-Based Mediation Programs:

Some agreements—notably those in Ferguson, Missouri and New Orleans—provide for neighborhood-based mediation programs to promote the diversion of community disputes out of the criminal justice system and into community based, community-run institutions.

Data Collection and Transparency:

Robust collection of data about police activity, as well as ensuring transparency and accessibility of that data—also discussed as part of accountability measures below—are important to ensure that communities have the tools to provide informed input.

The Role of the Independent Monitoring Team:

As previously discussed, laying the foundation for strong police-community relationships is one of the most critical roles of the independent monitoring team. The Division's agreements generally institutionalize face-to-face meetings between the monitoring team and the public, to ensure that communities are engaged in the process of reform. The Division also maintains ongoing community engagement during the lifetime of a reform agreement, drawing upon the relationships established from the earliest days of an investigation. But the goal of the Division's reform agreements is to ensure that once the Division and the independent monitor leave the jurisdiction, vibrant police-community relationships will remain as the foundation of sustainable constitutional policing.

3.5 - Police Personnel Management in a Multicultural Society - Why Diversity in Law Enforcement Matters^{xii}

The challenge of recruiting, hiring, and retaining a diverse workforce is certainly not limited to law enforcement. Throughout the country, in nearly every sector of society, people and organizations are grappling with this issue. Employers in a variety of industries have engaged in proactive efforts to expand opportunity and strengthen diversity. Yet this challenge remains particularly urgent in the field of law enforcement. Law enforcement agencies fulfill a fundamental role in our society, and in many communities, individual police are often the public face of local government. It therefore is critical that our nation's law enforcement agencies broadly reflect the diversity of the communities they serve.

Increased diversity within law enforcement agencies defined not only in terms of race and gender, but also other characteristics including religion, sexual orientation, gender identity, language ability, background, and experience - serves as a critically important tool to build trust with communities. This finding is bolstered by decades of research confirming that when members of the public believe their law enforcement organizations represent them, understand them, and respond to them, and when communities perceive authorities as fair, legitimate, and accountable, it enhances trust in law enforcement, instills public confidence in government, and supports the integrity of democracy. This trust is essential to defusing tension, to solving crimes, and to creating a system in which resident's view law enforcement as fair and just. Members of the public, including victims and witnesses of crime, may not approach or engage with law enforcement if they do not perceive such authorities to be responsive to their experiences and concerns. This trust - and the cooperation it facilitates - also enables officers to more effectively and safely perform their jobs.

Research further suggests that increased diversity also can make law enforcement agencies more open to reform, more willing to initiate cultural and systemic changes, and more responsive to the residents they serve. Some have pointed to increased diversity as a catalyst for reform, enabling officers and law enforcement leaders alike to become more introspective and reflective about problems with their departments. A more reflective and open-minded culture in an agency can help drive reform across a range of areas, including civilian oversight, community policing, and racial bias.

Additionally, a commitment to diversity by law enforcement agencies ensures that crucial public-sector jobs are available to all eligible qualified candidates and therefore helps ensure equal employment opportunity for all. Positions within law enforcement agencies often serve as the backbone of many communities, offering rewarding, long-term careers. Jobs in law enforcement create new pathways of economic opportunity for men and women motivated to serve their community and work hard to provide for their families and lift themselves into the middle class.

In addition, while greater workforce diversity alone cannot ensure fair and effective policing, diversity can have a positive influence on specific activities and practices of law enforcement agencies.

Social science research indicate there are likely four relevant factors at play contributing to creating a multicultural police department : (1) increased representation of racial minorities increases the legitimacy of the law enforcement agency among minority residents; (2) a greater presence of officers who are racial minorities not only is likely to change the public's perception of the agency, but these officers are also likely to be more knowledgeable and empathetic about the concerns and culture of minority communities; (3) a higher number of minority officers within an agency provides opportunities for greater contact and interactions between white and minority officers, which can shape new opinions and reduce negative beliefs or stereotypes about minority communities; and (4) the presence of minority officers is likely to introduce different perspectives into an agency.

State of Diversity in American Law Enforcement

There are approximately 18,000 Federal, State, County and local law enforcement agencies in the United States. These agencies range from police departments employing just one sworn officer to departments with more than 30,000 officers. In 2008, the Department of Justice's Bureau of Justice Statistics (BJS) conducted a census of state and local law enforcement agencies. That census, which included 17,985 agencies, found that those agencies collectively employed more than 1.1 million people on a full-time basis, nearly 800,000 as sworn personnel. The census revealed that the vast majority of these agencies - more than 12,000 - are local police departments, a category that includes municipal, county, tribal, and regional police departments. BJS's research also found that there are more than 3,000 sheriffs' offices; approximately 2,000 special jurisdiction agencies, which are agencies that provide police services for entities or established areas within another jurisdiction (e.g., parks, schools, airports, housing authorities, and government facilities); 50 primary state law enforcement agencies; and nearly 700 other agencies, such as county constable offices. BJS also conducted a census of Federal law enforcement agencies in 2008: that survey collected data from 73 agencies, which employed approximately 120,000 full-time sworn law enforcement officers.

More recent data from BJS' 2013 Law Enforcement Management and Administrative Statistics data collection (LEMAS Survey) provide information about the demographics of these law enforcement agencies. Of the more than 12,000 local police departments, and their nearly 500,000 sworn officers, 48 percent of the departments employed fewer than 10 sworn officers. While the vast majority of these departments employ a relatively small number of sworn officers, 54 percent of the sworn officers in this country work for departments in jurisdictions with 100,000 or more residents. About 58,000, or 12 percent, of the full-time sworn personnel in these departments were female; female officers also accounted for nearly 10 percent of first-line supervisors in these departments. The LEMAS Survey found that 27 percent of full-time sworn officers are racial or ethnic minorities; African-American and Latino officers each comprised around 12 percent, while other minority groups, including Asian American, Native

Hawaiian, or other Pacific Islander; and American Indian or Alaska Native, collectively comprised 3 percent. The [LEMAS survey found similar demographics](#) in the nation's sheriffs' offices: 14 percent of their full-time sworn officers were female (and 12 percent of the first-line supervisors were female); racial minorities comprised 22 percent of those officers, with Latino officers making up the largest share (11 percent), closely followed by African-American officers (9 percent).

Practices for Increasing Diversity

By adopting proactive recruitment, hiring, and retention strategies, law enforcement agencies can address barriers, drive reform, and make progress in ensuring that they more closely reflect the diversity of the communities they serve. In the section that follows, the promising practices - identified through existing online materials, independent research, and interviews - that various law enforcement agencies around the country have found to be particularly effective at increasing the diversity of their sworn officers. Given the sheer number of law enforcement agencies in the United States, it would be nearly impossible to provide a comprehensive examination of promising practices that have been developed and are being used, but it does provide a number of salient examples focused on the key areas of recruitment and hiring.

As previously noted, the practices discussed in this section should not be viewed as cure-all solutions for advancing diversity within law enforcement agencies. The effectiveness of any strategy to address diversity will depend on a number of localized factors specific to a law enforcement agency and the jurisdiction in which it operates. Moreover, the vast majority of the agencies consulted during this effort - including those discussed below - highlighted that there is more work they need to do in order to ensure that they better reflect the diversity of their communities. Nonetheless, the practices discussed below highlight promising efforts that have been adopted or are underway in communities across the country to advance diversity.

While the practices adopted by law enforcement agencies vary considerably, successful diversity-building efforts by law enforcement agencies share several common themes, including:

Ensuring that the agency's organizational culture is guided by community policing and procedural justice:

Especially in communities that historically have had negative interactions with law enforcement, facilitating a culture that prioritizes community policing strategies - along with policies, programs, and practices that support diversity - can encourage individuals from these communities not only to consider, but also to apply for jobs as officers. Such a culture invites individuals who may not have previously considered law enforcement as a viable career option to view the profession as an impactful and meaningful way to serve their community.

Engaging stakeholders - both from within and outside the law enforcement agency to play a role in creating a workforce that reflects the diversity of the community:

While chiefs, senior management, and human resource personnel may play pivotal roles in the hiring process in most law enforcement agencies, there are many others who can be called upon to assist in the process of attracting, selecting, and retaining a cadre of officers that reflects the diversity of the community. Officers and other personnel are often the best spokespeople and advocates for their agencies. They can be deployed to connect and engage with a diverse array of individuals to increase their awareness about law enforcement careers, address barriers encountered during the application process, and provide support and mentorship once officers are on the job. There is also a plethora of community organizations that stand willing and ready to partner with law enforcement agencies.

Being willing to re-evaluate employment criteria, standards, and benchmarks to ensure that they are tailored to the skills needed to perform job functions, and consequently attract, select, and retain the most qualified and desirable sworn officers:

Law enforcement agencies that have seen success in attracting a diverse workforce have generally paid particular attention to specific trends within their agencies that disproportionately affect applicants who are racial minorities, women, or from other underrepresented populations during the hiring process. Once cognizant of these barriers, these agencies have taken steps to proactively address the problem and ensure that criteria, standards, and benchmarks are job related and consistent with law enforcement needs. This has helped these agencies attract, select, and retain qualified officers with the values and skill sets necessary for the job.

Recruitment

Many law enforcement agencies have succeeded at recruiting racial minorities, women, and other individuals from underrepresented populations by partnering with community or civic organizations. For these agencies, community outreach - which can include "meet and greet" events, programming at religious and educational institutions, and community fairs - is not an optional engagement, but rather a critical part of their recruitment efforts. A number of agencies have worked to formalize these types of community engagement efforts. A central underpinning of this approach is the recognition that a law enforcement agency's existing workforce, particularly its cadre of sworn officers, is one of their most valuable recruitment tools. Yet these agencies recognize that effective recruitment means deploying these officers in a manner that will yield an applicant pool that is not only qualified for the job but also reflective of the broader community. To that end, agencies have thoughtfully considered how they can best use their existing workforce and their interactions with community and civic organizations to accomplish this objective:

- The Worcester (Massachusetts) Police Department organizes application process workshops and conducts outreach to religious and faith-based organizations, local colleges, veterans, and minority-owned businesses, and community-based social service agencies including those serving Southeast-Asian (primarily Vietnamese), African-American and Latino communities. In addition to engaging potential applicants from these communities that are underrepresented within the police department, these workshops are targeted to particular members of historically-underrepresented communities, including, for example, highly esteemed Vietnamese community elders who share information with their grandchildren and other family members or social workers who share their knowledge of the application process with their clients. These outreach efforts reflect the police chief's specific focus on increasing diversity among the department's ranks. With the added benefit of an intact consent decree in place for the Worcester Police Department, these efforts have paid dividends: in 2015, the department reported that, out of the all men who took the civil service exam, 37 percent were men of color; out of all women who took the exam, 56 percent were women of color.
- The **Miami-Dade (Florida) Police Department** has engaged in a number of community-oriented programs that it attributes to bolstering its share of officers who are women and racial minorities. In addition to "meet and greet" events that take place at churches and community fairs, the police department places a significant emphasis on having a designated officer to recruit fellow officers within the department to go out and speak to the community. It also employs and promotes a ride-along observer program to attract a diverse pool of applicants and introduce them to the duties and responsibilities of the job
- The Madison (Wisconsin) Police Department empowers and expects its officers to engage in recruitment efforts. To that end, it has established recruiting cadres for specific areas of interests, geographies, or backgrounds, including a focus on candidates of color, veterans, and women. Each recruiting cadre is tasked with continually updating its strategies in order to ensure that the recruitment message is focusing on specific demographics. The cadres also include civilian employees, who are encouraged to assist in recruiting efforts. The department has found that these employees are especially helpful in dispelling myths and fighting stereotypes about the department.
- The **Austin (Texas) Police Department**, in an effort to encourage more women to apply, organizes recruitment and information sessions specifically designed to explain the hiring process and career opportunities for women at the agency. The department publishes YouTube videos, such as "[Women of APD](#)," that feature women talking about their experience serving as officers in the police department.



Think about it . . . Officer Recruitment Campaigns

Below are links to promotional videos for three different police departments. Watch at least two of them.

1. [Alexandria, Louisiana Police Department Recruiting Video](#)
2. [New Zealand Police Recruitment](#)
3. [Portland Police](#)

Each video chooses a different medium to emphasize different aspects of police work. Which promotional video did you think was most effective? Why? If you oversaw a recruitment video for your local police department what would you choose to focus on? Why?

A number of law enforcement agencies have partnered with educational institutions within their communities, including K-12 schools, colleges, and universities, in an effort to encourage youth to consider careers in law enforcement. This approach allows students to build relationships with their local agencies as well as gain an understanding about the unique challenges and rewards that come with a career in law enforcement. This outreach also provides students an opportunity to interact with police outside of the enforcement context. Additionally, these partnerships afford agencies an opportunity to counsel youth early enough to facilitate later success in the application process, by, for example, counseling youth about the need to be truthful during polygraph exams, raising awareness about how the agency weighs previous drug usage, and emphasizing the importance of maintaining good credit.

- The Detroit (Michigan) Police Department engages in a range of outreach efforts with high school students, specifically focusing on outreach to African-American youth to build relationships with them in the classroom and outside of an enforcement context. Through elective classes and mentoring programs in high school, the department is working to address negative perceptions about the police in urban neighborhoods and encouraging students to consider career in law enforcement. The department's student engagement work includes inviting students to write essays about the changes they want to see in their city.

Many agencies have realized that in their efforts to effectively allocate limited resources, online communication can be a valuable asset in their recruitment strategies. This can be particularly useful for smaller agencies that do not always have the budget or personnel to travel or run comprehensive recruitment programs. Moreover, given that many individuals, and particularly younger people, predominantly rely on the internet to seek out and research career opportunities, the innovative use of technology and social media can ensure that law enforcement agencies are reaching a diverse array of potential applicants.

- The Metropolitan (District of Columbia) Police Department prioritizes innovative technology strategies to recruit officers. Ninety percent of applicants initially get in touch with the department, which maintains a robust Facebook and Twitter presence, from either their smartphone or tablet, according to a [September 2016 Washington Post](#) story. [Select Link to read full story] The agency also uses live online chat rooms to interact directly with potential applicants, has revamped and streamlined its online advertising, and is in the process of building a new website focused solely on recruiting, with a customer service focus centered around instant answers to questions from applicants.

Hiring

Law enforcement is a profession that, for good reason, requires extensive vetting, research, and investigation before choosing to hire an officer. Standards undoubtedly have an important role to play in the process. But certain barriers - including background investigations that treat all arrests and criminal convictions alike regardless of type of offense or how recent the occurrence, or even screen out those voluntarily admitting to drug use alone (without any conviction) can prevent the agency from hiring the diverse officers it needs to connect with and serve the entire community. Cognizant of this challenge, many agencies have begun to re-evaluate such barriers and more holistically evaluate what an applicant can contribute to the agency and the community by also considering facts about one's experience, skills, or record in a broader, comprehensive context.

- The Wichita (Kansas) Police Department has restructured its hiring practices so that the process provides a more comprehensive evaluation and review of an applicant's life experience and skill set. The department made this change after determining that too many candidates - and particularly those from underrepresented populations - were being denied positions and turned away without a fair and nuanced analysis of their prior conduct. As the department's chief recently explained "I want people who have had adversity in their life and maybe had a bumpy road. They have more life experience. They can relate to someone better than maybe people that have never struggled with how they're going to pay for their next meal or their next rent payment."

Aspects of selection procedures, including some physical ability tests and written examinations, can disproportionately screen out certain groups, including women and racial or ethnic minorities, based on factors that have little or no relationship to the requirements of the job. Many agencies are working to re-evaluate their screening practices to ensure they are focusing on selection criteria that are more holistic and accurate measures of candidates' skills and abilities. The U.S. Department of Justice's Civil Rights Division regularly brings enforcement

actions opposing the use of written and physical ability tests that have been shown to create unnecessary barriers to employment. Through the resolution of these cases, law enforcement agencies have adopted new selections procedures that effectively select qualified individuals and have a less adverse impact on racial minorities and women.

- The Madison (Wisconsin) Police Department has made significant progress in increasing the number of women it hires to be officers. The agency's physical agility test used to require a bench press component, which deterred some candidates from applying and led others to fail - in part because they were not familiar with the specific weight lifting equipment or exercise. Recognizing these challenges, the agency began to give candidates the option to do push-ups, instead of the bench press, to test their upper body strength. Department leadership believes this change resulted in more women competing and passing the physical agility test. Overtime, the bench press was completely removed from the exam.
- The St. Paul (Minnesota) Police Department determined - after analyzing the breakdown of pass rates for African-American, Latino, and Asian-American applicants - that its testing process was having a disproportionately harmful impact on candidates of color without a commensurate job-related benefit. The department found that candidates of color performed worse on the situational and written tests but significantly better than white candidates during the in-person interview. The department re-evaluated its hiring criteria to ensure that its testing criteria accurately aligned with the qualities that were most important on the job. It changed its written tests to focus more on the candidate's personal history and community engagement and removed the entire situational component. The department reported that it was able to hire more diverse, but equally qualified applicants using this new approach. The agency believes that one of the most important criteria to evaluate when reviewing a prospective officer's application is his or her genuine desire to be out in public to engage in community-policing with *all* members of the community.

To help address some of the misconceptions, confusion, and lack of awareness about hiring procedures, law enforcement agencies have streamlined their hiring processes and also made these processes more transparent. Agencies have found these efforts, which benefit all applicants, especially helpful for applicants from underrepresented populations who, as noted above, may be more likely to be less familiar with the long, complex processes that have traditionally defined the law enforcement hiring process.

- The South Portland (Maine) Police Department is working to address the barriers that result from various civil service ordinances that create a cumbersome, overly drawn-out process for applicants. Given that the civil service exam is only offered once a year, the agency has begun experimenting with moving away from the once-a-year test to one that is administered more frequently and combining the required oral boards into one. The changes being explored allow for more frequent opportunities to access the hiring process. An ongoing evaluation of the streamlined process is resulting in a marked increase of additional candidates.
- The Yonkers (New York) Police Department found that providing free training to city residents before its civil service exam in 2013 led to 60 percent of test takers who were minorities and a 25 percent increase in the number of African-American officers. The police commissioner explained, "We hope to reap the benefits of hiring additional minority officers from this exam over the next few years."

A number of law enforcement agencies have found that engaging community members in the hiring process can have a positive impact on developing a more diverse workforce. Agencies have worked with community advisory groups and committees to not only develop and revise hiring criteria, but to also identify community members who can serve on agency interview panels. These kinds of practices ensure that community members get a voice and a vote in who their police department ends up hiring.

- The St. Paul (Minnesota) Police Department created a panel interview process that includes community members. Specifically, members of the department's Community Advisory Group provide recommendations about community members who can serve as interview panelists. The department has found that this change has had a positive impact on selecting individuals from underrepresented populations because during the interview process, these community members ask different questions and explore qualities that might otherwise go unnoticed, but which reveal diversity in experience and background.
- The Sarasota (Florida) Police Department consulted the department's Independent Police Advisory Panel, which includes a diverse array of community leaders, and sought input on how to revise the recruitment and hiring processes to more easily identify high-quality officers. The department has also worked with community leaders to encourage applicants from underrepresented populations to apply to work for the department.

Legal Considerations

Federal civil rights laws - mostly notably Title VII of the Civil Rights Act of 1964 (Title VII) - provide a number of protections that prohibit public employers, including law enforcement agencies, from engaging in employment discrimination. This section provides an overview of trends identified and lessons learned through the enforcement of these laws, including as a result of the Federal government's litigation experience and enforcement work combating discrimination and advancing diversity in state and local law enforcement agencies. A review of this case law also provides helpful insights into practices that interfere with the recruitment, selection, and retention of qualified women and minorities in state and local law enforcement agencies.

Some of the cases involve challenges to policies and practices that did not explicitly reference race, sex, or any other legally protected category but nevertheless had an unjustified adverse impact on those groups; these types of barriers are often overlooked or simply accepted as "business as usual." Yet these cases are critically important and can often be a catalyst for systemic change. Of course, complying with the law and advancing diversity also requires ensuring that law enforcement agencies do not intentionally discriminate, which will be discussed. Importantly, Title VII sets a minimum standard for law enforcement agencies in terms of non-discriminatory practices. The law defines what agencies should not do. Mere compliance with the law, however, is not a substitute for the voluntary, affirmative steps that law enforcement agencies can take to ensure they build and sustain a diverse workforce that is reflective of the communities they serve.

Title VII outlaws intentional discrimination, also known as disparate treatment. The law's reach extends beyond that and also prohibits neutral practices that create unnecessary barriers to the employment or advancement of protected groups. As the Supreme Court explained in its landmark 1971 decision *{Griggs v. Duke Power Company}{1971}*, Title VII "proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation. This type of discrimination, commonly referred to as "disparate impact" discrimination means that an employment practice that disproportionately excludes a group on a basis protected by Title VII violates the law if it is "not job-related and consistent with business necessity." Even if such a practice is job-related and consistent with business necessity, an employer may still be liable for discrimination if there is an alternative employment practice available with a less severe impact that serves the employer's legitimate needs.

Both the government and private plaintiffs bring Title VII cases against law enforcement agencies to challenge unnecessary neutral barriers that create systematic exclusion of protected classes from law enforcement positions and promotions and intentional employment discrimination against individuals from protected classes. The practices challenged through these cases and the remedies created as a result of this litigation provide law enforcement agencies with important guidance about the steps they can take to comply with Federal anti-discrimination law and promote diverse work forces.

Recruitment Case Law

Recruitment practices can unlawfully exclude qualified applicants from protected classes before they even have the opportunity to apply for careers in law enforcement. The failure to advertise officer openings in ways that are likely to reach a diverse pool of candidates in (or near) the jurisdiction where a law enforcement agency is located may violate Title VII if it results in the exclusion of potentially qualified applicants on the basis of race or national origin. For example, the Federal government brought a case against the City of Warren in Michigan after the city limited its advertising of police and fire positions, resulting in only one African-American applicant. The court found that the limitation of advertising violated Title VII, and after the city advertised in newspapers outside of the county, including ones with circulation in nearby Detroit, the number of African-American applicants grew to 50 **{United States v. City of Warren}**(2001). Law enforcement agencies may also run afoul of Title VII by relying solely on word-of-mouth recruitment practices, especially when the enforcement agency or the community is not diverse and word-of-mouth does not extend to minority applicants. Such hiring practices can entrench prior discriminatory practices especially when a law enforcement agency's workforce and labor force are predominately white **{Cleveland Branch, NAACP v. City of Parma}**(2011). In another case, a court found that the informal recruitment by friends and family was a reason that applicants were predominately white because the workforce itself was predominately white due to years of discriminatory tests **{United States v. City of New York}**(1990). To remedy discrimination in recruitment, courts have required the advertisement of law enforcement positions in the neighboring metropolitan areas with general circulation media as well as newspapers with media with primarily African-American readership.

Once a violation is found, simply opening the doors to a diverse set of applicants may not suffice. Courts have recognized that women and racial minority applicants may also be deterred from applying to law enforcement agencies that have developed a reputation for discrimination **{United States v. Cent. Motor Lines, Inc}**(1978). This deterrent effect can make victims of discriminatory hiring practices reluctant to take advantage of remedial opportunities to join a law enforcement agency that has been previously found guilty of engaging in unlawful discrimination. These barriers are not insurmountable, and agencies can overcome this perception. For example, a court found that an agency's funded and active recruitment efforts directed at racial and ethnic minorities substantially increased the number of applicants from racial and ethnic minorities **{United States v. City of New York}**(1990).

Hiring in law enforcement agencies usually follows a series of steps in a fixed order; agencies frequently rely on written tests, oral interviews, physical tests, background checks, and other processes to screen applicants. These processes may violate the law if they disproportionately screen out applicants from protected classes and are not job-related and consistent with business necessity. This holds true even if the screens were not intended to discriminate. Even if such practices are job-related and consistent with business necessity, an employer will still be liable under Title VII if it failed to use an alternative employment practice with a less severe impact that serves its legitimate employment needs **[42 United States Code, Section 2000e-2(k)]**.

Written Exam Case Law

Extensive Title VII case law has revealed that certain written tests used as part of entry-level hiring in state and local law enforcement agencies are likely to create an unlawful disparate impact and are not necessary for selecting the most qualified candidates. For example, while skills like reading comprehension and arithmetic may be important for these positions, tests that focus solely on these skills may not sufficiently or accurately represent the skills needed for the position and thus unnecessarily screen out qualified applicants. Reliance on these tests can create an unnecessary barrier to the hiring of qualified racial minority applicants who may have been selected if the test were a better reflection of what was actually needed on the job **{United States v. State of Delaware}** (2003). As one court explained:

“I recognize that it is natural to assume that the best performers on an employment test must be the best people for the job. But, the significance of these principles is undermined when an examination is not fair. As Congress recognized in enacting Title VII, when an employment test is not adequately related to the job for which it tests - and when the test adversely affects minority groups - we may not fall back on the notion that better test takers make better employees” **{United States v. City of New York}**(1990).

To remedy such violations of Title VII (and protect against them in the future), several state and local law enforcement agencies have worked successfully to create more representative tests that capture both cognitive and non-cognitive skills and abilities required to succeed on the job and consistent with their business and organizational needs **{United States v. City of Dayton}** (2009). Because these tests reflect more of the qualities necessary for job performance, they help jurisdictions select qualified individuals. Equally importantly, such tests tend to have less unnecessarily adverse impacts on racial minorities.

Courts also have paid close attention to the ways law enforcement agencies use the results of those tests in the hiring process. Agencies have traditionally used the results of tests in a variety of ways: including pass/fail screens, rank ordering, and combining the score with other selection procedures. Title VII requires that an employer justify how it uses the selection procedure, and so agencies should consider if the way in which they are using the results of an exam is having an adverse impact. Courts have refused to accept cut-off scores that do not meaningfully distinguish between applicants **{Lewis v. City of Chicago}** (2005). And in determining that a jurisdiction should not have used its test results in rank order, one court stated:

The frequency with which such one-point differentials are used for important decisions in our society, both in academic assessment and civil service employment, should not obscure their equally frequent lack of demonstrated significance. Rank-ordering satisfies a felt need for objectivity, but it does not necessarily select better job performers. In some circumstances the virtues of objectivity may justify the inherent artificiality of the

substantively deficient distinctions being made. But when test scores have a disparate racial impact, an employer violates Title VII if he uses them in ways that lack significant relationship to job performance **{Guardians Association of N.Y.C. Police Dept, Inc. v. Civil Service Commission}** (1980).

And even when an agency can show that its written test relates to a law enforcement officer's job duties and responsibilities, the test may still violate Title VII if an alternative employment practice with a less severe impact that serves its legitimate interests exists **[42 United States Code, Section 2000e-2(k)]**. As a result, state and local law enforcement agencies should review their testing practices to determine whether they have an adverse impact on minority applicants. If so, they should consider alternative measures that might reduce the disparate impact while at the same time serving their legitimate business needs. Such alternative measures may include new testing formats and content areas, assigning different weights to test components, and alternative scoring methods **{Bradley v. City of Lynn}** (2006).

Physical Tests Case Law

Physical tests, which have also been used to screen applicants for law enforcement officer positions, are held to the same legal standard as written tests: if there is an adverse impact, the test and its use must be job-related and consistent with business necessity. Some physical ability tests that purport to simulate the tasks undertaken by police officers have been found to have an unlawful disparate impact on women and where they are insufficiently related to actual job duties. **{Thomas v. City of Evanston}** (1985). For example, a physical test that included a stair climb, a run, and an obstacle course was found to have a disparate impact on women and be insufficiently related to the police officer job. Similarly, tests that purport to measure overall physical fitness (such as push-ups, sit-ups, and running) but apply a unitary standard to men and women have been found to disproportionately exclude women from law enforcement positions and be insufficiently job related. For example, the requirement that men and women perform the same number of push-up and sit-up components of one physical fitness test was found to violate Title VII. **{United States v. City of Erie}** (2005).

Jurisdictions interested in assessing the physical fitness of applicants without disproportionately excluding qualified women from their ranks may consider using fitness tests with gender normed standards. These tests actually require men and women to show similar levels of fitness while taking into account demonstrated physiological differences between men and women **{Bauer v. Lynch}** (2016). These tests tend not to have a disparate impact on women and result in the selection of qualified applicants. As one court, which recently affirmed the use of a gender normed physical fitness test by a law enforcement agency, has explained:

Men and women simply are not physiologically the same for the purposes of physical fitness programs. . . . Physical fitness standards suitable for men may not always be suitable for women, and accommodations addressing physiological differences between the sexes are not necessarily unlawful. . . . Put succinctly, an employer does not contravene Title VII when it utilizes physical fitness standards that distinguish between

the sexes on the basis of their physiological differences but impose an equal burden of compliance on both men and women, requiring the same level of physical fitness of each.

Absolute or Minimum Requirements Case law

Many law enforcement agencies often employ absolute or minimum requirements in their entry-level hiring that may disproportionately screen out women and racial minorities in violation of Title VII. Such requirements include education, certification, residency, and other requirements for employment with the law enforcement agency. Duration residency requirements - policies requiring a term of residency in the jurisdiction served by the law enforcement agency prior to applying - in particular, have been found to violate Title VII when they have had a disparate impact on the basis of race {**Newark Branch, NAACP v. Town of Harrison**} (1990). However, courts have permitted employers to use policies that require a new employee to move into the jurisdiction and establish residency within a time period of being hired {**United States v. City of Warren**} (1991). Similarly, courts have rejected the use of blanket height and weight requirements in the hiring of law enforcement officers as discriminatory on the basis of sex, race, and/or national origin {**Vanguard Justice Soc. v. Hughes**} (1979). These requirements - for example a requirement that all police officers be over 5 feet 10 inches - tend to screen out women from the job but are not necessary to successful job performance.

Background Checks Case law

Law enforcement is a profession that, for valid reasons, requires extensive and thorough vetting of applicants. For that reason, law enforcement agencies, like many other employers, also often utilize extensive background checks as part of their selection processes, including information relating to criminal history. However, an employer's use of criminal background information can violate either the intentional or disparate impact provisions of Title VII, depending on how that information is used. When using criminal background checks, employers should consider the nature of the crime, the time elapsed, and the nature of the job. While some applicants have succeeded in challenging criminal background check policies as having unlawful disparate impacts on the basis of race or national origin, cases bringing these types of claims against law enforcement agencies have generally not been successful in court {**Foxworth v. Pa. State Police**} (2007).

A number of law enforcement agencies also use credit history checks and psychological evaluations as employment screens. Non-law enforcement agency employers' use of these evaluations has also been questioned as discriminatory employment barriers to women and racial minority applicants although these challenges have also generally been unsuccessful {**Bibbs v. Sheriff of Cook County**} (2015).

In conclusion, effective police managers need to stay current on all laws and court opinions regarding recruiting and hiring policies. By staying informed will limit the agencies civil liabilities as well as move an agency toward the goal of looking more like the population they serve.



Act It Out! “Communicating Across Cultures” - The Situation

You are a senior at BTU (Beaver Technical University), the top engineering school in your country with a double major in Mechanical Engineering and management science. This is the summer between your junior and senior year, and you are interning with Course Management International (CMI). CMI, a five-year-old company, developed and now sells educational software that helps faculty manage many of the administrative tasks associated with teaching a course.

As part of the internship, you have been placed in a team with five other students from different universities. The composition of the team is three men and three women, all of whom are between their junior and senior years in school. By the end of the summer, you are to submit a report that describes two new functions that CMI should develop for the newest release of the software.

Continue to “The Problem” to complete this activity.

The Problem^{xiii}

One of the members of the team is consistently late for team meetings and not pulling his/her weight. (If you feel it’s important to know the gender of the team member, you can choose whichever you prefer.) Because you were are the team leader, you must talk to the team member about this problem.

The Complication

You, your teammates, and CMI exist in one of the following two cultures:

BLUE CULTURE

Beliefs, Values and Attitudes that Underlie Your Culture's Communication

- You believe a person’s first loyalty is to his/her family.
- Obedience to elders and those in authority is very important.
- You believe in feelings more than reasoning, and you believe people’s feelings should be protected at all costs.
- Yours is a hierarchal culture.

- The past is considered more important than the future or the present.
- Members of your culture tend toward holistic rather than analytical thinking.

Verbal/Nonverbal Traits of Your Culture

- Speakers use an indirect communication style.
- Members of your culture frequently express positive attitudes about others while downplaying their own worth.
- Your conversation distance is close (about 15 inches, face-to-face).
- Eye contact depends on the relative status of the individuals engaged in a conversation.
- Silence is respected.

YELLOW CULTURE

Beliefs, Values and Attitudes that Underlie Your Culture's Communication

- You believe that people determine their own destinies and should make their own choices based on their own preferences, desires, and needs.
- You make decisions in a democratic manner.
- You believe in reason over feelings.
- You believe time is a valuable commodity, and you don't want to waste any.
- You believe conflict is a way of reaching good decisions.
- Members of your culture tend toward analytic rather than holistic thinking.

Verbal/Nonverbal Traits of Your Culture

- Your conversation distance is far (about 35 inches, face-to-face).
- You openly express emotions (e.g., anger, dissatisfaction, happiness).
- You ask many questions.
- You are direct in expressing your ideas and opinions, and you look people in the eye when you do so.
- You don't express thanks to others because in your view people chose their actions to create their own destinies; in other words, if someone does something for you, he/she is also doing it for himself/herself.

The Task

From the perspective of BOTH the Blue Culture and the Yellow Culture, each group should outline the key points that the team leader should make in trying to persuade the team member to change his/her problematic behavior. Be ready to describe those strategies and tactics or to role play the interaction if called upon.

Chapter 4 – Multicultural Populations

Key Learning Objectives:

- Be able to identify the key issues and concepts among ethnic groups in the United States.
- Identify how officers can better interact with different ethnic groups to improve relations
- Identify other minority groups and special population that police encounter in the community
- Be able to provide how awareness of these populations can improve relations between police and the community they serve

4.1 - Law Enforcement contact with ethnic groups^{xiv}

Research consistently shows that minorities are more likely than whites to view law enforcement with suspicion and distrust. Minorities frequently report that the police disproportionately single them out because of their race or ethnicity. The public's perceptions about the lawfulness and legitimacy of law enforcement are an important criterion for judging policing in a democratic society. Lawfulness means that police comply with constitutional, statutory and professional norms. Legitimacy is linked to the public's belief about the police and its willingness to recognize police authority. Racial and ethnic minority perceptions that the police lack lawfulness and legitimacy, based largely on their interactions with the police, can lead to distrust of the police. Distrust of police has serious consequences. It undermines the legitimacy of law enforcement, and without legitimacy police lose their ability and authority to function effectively.

Many law enforcement agencies have allowed researchers to study efforts to improve the lawfulness and legitimacy of their policing activities. They do so because they want to raise the level of trust and confidence of the people they serve while controlling crime effectively. Although data show that whites hold the police in higher regard than do minorities, race has not been found to directly influence how people form opinions about law enforcement. In fact, when researchers controlled for factors such as the level of neighborhood crime, the reported quality of police-citizen encounters, and other demographic variables such as age, income and education, the effects of race disappeared entirely or were substantially reduced. Researchers concluded that race affects satisfaction with the police indirectly and in conjunction with other factors, including the level of crime within one's neighborhood.

Race in the United States Criminal Justice System^{xv}

There have been different outcomes for different racial groups in convicting and sentencing felons in the United States Criminal Justice System. Experts and analysts have debated the relative importance of different factors that have led to these disparities. Minority defendants are charged with crimes requiring a mandatory minimum prison sentence more often, in both relative and absolute terms (depending on the classification of race, mainly in regard to Hispanics), leading to large racial disparities in incarceration.



Pin It! Racial inequality in Incarceration

Does race play a role in capital punishment? Click [here](#) to learn what percent of adult males incarcerated by race and ethnicity and [here](#) to overview violent crime rates by race of victim 1973-2003.

At the end of 2002 the Bureau of Justice released data stating there were 3,042 black male prisoners per 100,000 black males, 1,261 Hispanic male prisoners per 100,000 Hispanic males and 487 white male prisoners per 100,000 white males within the United States. According to Antonio Moore in his Huffington Post article, “there are more African American men incarcerated in the U.S. than the total prison populations in India, Argentina, Canada, Lebanon, Japan, Germany, Finland, Israel and England combined.” There are only 19 million African American males in the United States, collectively these countries represent over 1.6 billion people. There is a total of a mere 18.5 million African American males of all ages in the United States.



Think About It . . . Black Male Incarceration

“The Black Male Incarceration Problem Is Real and It’s Catastrophic” is the title of an article from the Huffington post. Click to read the [article](#). What do you think of the article’s premise? Do you agree or disagree? Would you be able to support your viewpoint with sources?

Likelihood of Incarceration

The likelihood of black males going to prison in their lifetime is 28% compared to 4% for white males and 16% for Hispanic males. Some factors used to attempt to explain the racial disparities in the criminal justice system besides race itself include socioeconomic status, the environment in which a person was raised, and the highest educational level a person achieves. For the Baby Boomers, some 1.2% of white men and 9% of black men had been imprisoned by

2004, according to Bruce Western, a Harvard sociology professor. Out of those born in the 1970s, 3.3% of white men and 20.7% of black men had been in prison.

Effect of race on likelihood of conviction

Various studies have shown that, in recent decades, there has been no noticeable disparity in black vs white conviction likelihood for those accused in black-run vs white-controlled cities, say Atlanta vs San Diego. In the largest counties, the rates of prosecution for accused blacks was slightly less than the prosecution rates for whites, for example. "...the only hint of racial disparity was to the advantage, not disadvantage, of blacks accused of crimes."

Race and the death penalty

Various scholars have addressed what they perceived as the systemic racial bias present in the administration of capital punishment in the United States. There is also a large disparity between races when it comes to sentencing convicts to Death Row. The federal death penalty data released by the United States Department of Justice between 1995–2000 shows that 682 defendants were sentenced to death. Out of those 682 defendants, the defendant was black in 48% of the cases, Hispanic in 29% of the cases, and white in 20% of the cases. 52.5% of people who committed homicides in the 1980-2005 time period were black.



Pin It! Capital Punishment and Race

Does race play a role in capital punishment? Click [here](#) to learn more.

Contributing factors to the rise in the penal population

In 2013, the United States had the highest rate of incarceration in the world. In the 1980s U.S. legislation issued a number of new drug laws with stiffer penalties that ranged from drug possession to drug trafficking. Many of those charged with drug crimes saw longer prison sentences and less judicial leniency when facing trial. The War on Drugs has furthered the boom in prison population even though violent crime has continued to steadily decrease.

A lot of urban areas in the U.S. have a majority black population. With crime tendencies high in these areas, drugs are also prevalent. This means that a greater percentage of those in prison are going to be black because law enforcement is already concentrated in the areas with high violent crime and drug crime. With this new drug legislation, the U.S. government has increased the use of incarceration for social control which has resulted in "sharper disproportionate effects on African Americans."



Pin It! *Three-Strikes Law*

Learn more about the three strikes law [here](#).

Factors affecting incarceration rates

Blacks had a higher chance of going to prison especially if they drop out of high school. If a Black male drop out of high school, he had an over 50% chance of being incarcerated in his lifetime, as compared to an 11% chance for White male high school dropouts. Socio-economic, geographic, and educational disparities, as well as alleged unequal treatment in the criminal justice system, contributed to this gap in incarceration rates by race. Failure to achieve literacy (reading at “grade level”) by the third or fourth grade makes the likelihood of future incarceration twenty times more likely than other students. Some states use this measurement to predict how much prison space they will require in the future. It appears to be a poverty issue rather than a race issue.

Effects on families and neighborhoods

With violent crime on the rise in the late 20th century coupled with the war on drugs violations, penal population growth sent shockwaves through the most fragile families and neighborhoods that were least equipped to deal with the problem. Since the majority of people in the prison population are minorities and lower-class individuals, the people they leave behind have to deal with extraordinary circumstances. This burden has left families broken and children are the victims of single-parent homes which increases the percentage of these children going to jail earlier than most. With the majority of the prison population being men, “women are left in free society to raise families and contend with ex-prisoners returning home after release.”

Children raised in single-parent homes are less supervised which leads to less emphasis on education and self-determination. The result of this situation is that society is damaged and has to take on the financial burden of children growing up in crime ridden neighborhoods and going to prison. When a family member is arrested, the family loses not only that person’s income, but also acquire additional expenses involved in keeping contact with the incarcerated family member.

The current prison complex serves as a punitive system in which mass incarceration has become the response to problems in society. Field studies regarding prison conditions describe behavioral changes produced by prolonged incarceration and conclude that imprisonment undermines the social life of inmates by exacerbating criminality or impairing their capacity for normal social interaction. Moreover, this racial disparity in imprisonment, particularly with African Americans, subjects them to political subordination by destroying their positive connection with society. Institutional factors – such as the prison industry complex itself – become enmeshed in everyday lives, so much so that prisons no longer function as “law enforcement” systems.

Crime in poorer urban neighborhoods is linked to increased rates of mass incarceration, as job opportunities decline, and people turn to crime for survival. Crime among low-education men is often linked to the economic decline among unskilled workers. These economic problems are also tied to reentry into society after incarceration. Data from the Washington State Department of Corrections and Employment Insurance records show how “the wages of black ex-inmates grow about 21 percent more slowly each quarter after release than the wages of white ex-inmates.” Black ex-inmates earn 10 percent less than white ex-inmates post incarceration.

Black Women

Problems resulting from mass incarceration extend beyond economic and political aspects to reach community lives as well. According to the U.S. Department of Justice, 46% of black female inmates were likely to have grown up in a home with only their mothers. A study by Bresler and Lewis shows how incarcerated African American women were more likely to have been raised in a single female headed household while incarcerated white women were more likely to be raised in a two-parent household. Black women’s lives are often shaped by the prison system because they have intersecting familial and community obligations. The “increase incarceration of black men and the sex ratio imbalance it induces shape the behavior of young black women.” Education, fertility, and employment for black women are affected due to increased mass incarceration. Black women’s employment rates were increased, shown in Mechoulan’s data, due to increased education. Higher rates of black male incarceration lowered the odds of nonmarital teenage motherhood and black women’s ability to get an educational degree, thus resulting in early employment. Whether incarcerated themselves or related to someone who was incarcerated, women are often conformed into stereotypes of how they are supposed to behave yet are isolated from society at the same time.

Furthermore, this system can disintegrate familial life and structure. Black and Latino youth are more likely to be incarcerated after coming in contact with the American juvenile justice system. In a study by Victor Rios, 75% of prison inmates in the United States are Black and Latinos between the ages of 20 and 39. Furthermore, societal institutions – such as schools, families, and community centers can impact youth by initiating them into this system of criminalization from an early age. These institutions, traditionally set up to protect the youth, contribute to mass incarceration by mimicking the criminal justice system.

From a different perspective, parents in prison face further moral and emotional dilemmas because they are separated from their children. Both black and white women face difficulty with where to place their children while incarcerated and how to maintain contact with them. According to the study by Bresler and Lewis, black women are more likely to leave their children with related kin whereas white women’s children are likely to be placed in foster care. In a report by the Bureau of Justice Statistics revealed how in 1999, seven percent of black children had a parent in prison, making them nine times more likely to have an incarcerated parent than white children.

Having parents in prison can have adverse psychological effects as children are deprived of parental guidance, emotional support, and financial help. Because many prisons are located in remote areas, incarcerated parents face physical barriers in seeing their children and vice versa. Societal influences, such as low education among African American men, can also lead to higher rates of incarceration. Imprisonment has become “disproportionately widespread among low-education black men” in which the penal system has evolved to be a “new feature of American race and class inequality”. Scholar Pettit and Western’s research has shown how incarceration rates for African Americans are “about eight times higher than those for whites,” and prison inmates have less than “12 years of completed schooling” on average.

Post release

These factors all impact released prisoners who try to reintegrate into society. According to a national study, within three years of release, almost 7 in 10 will have been rearrested. Many released prisoners have difficulty transitioning back into societies and communities from state and federal prisons because the social environment of peers, family, community, and state level policies all impact prison reentry; the process of leaving prison or jail and returning to society. Men eventually released from prison will most likely return to their same communities, putting additional strain on already scarce resources as they attempt to garner the assistance they need to successfully reenter society. Due to the lack of resources, these same men will continue along this perpetuating cycle.

A major challenge for prisoners re-entering society is obtaining employment, especially for individuals with a felony on their record. A study utilizing U.S. Census occupational data in New Jersey and Minnesota in 2000 found that “individuals with felon status would have been disqualified from approximately one out of every 6.5 occupations in New Jersey and one out of every 8.5 positions in Minnesota”. As African Americans and Hispanics are disproportionately affected by felon status, these additional limitations on employment opportunity were shown to exacerbate racial disparities in the labor market.

4.2 - Americans of Asian/Pacific Island Descent^{xvi}

There are nearly 15 million Asian Americans in the United States, according to the 2010 Census, which is approximately 5 percent of the total U.S. population.¹⁰ Asian Americans trace their roots to dozens of countries in the Far East, Southeast Asia, and the Indian subcontinent. Six groups—listed here from highest population to the lowest—make up the vast majority (about 80 percent) of the Asian-American population in the U.S.: Chinese (about four million), Filipino, Indian, Korean, Vietnamese, and Japanese (about 1.3 million).

In addition to any historical or “imported” experiences with law enforcement in their countries of origin, where law enforcement may have been corrupt and abusive, Asian-American children are often taught to fear police. Threats of calling the police can be used to control misbehaving children to force them into submission.

According to the 2010 U.S. Census, about half of the documented Asian-American population speaks English “less than very well” or is limited English proficient. Language barriers can pose significant challenges for Asian American-police interactions. Similar to the experiences of other immigrant and refugee groups, language barriers often prevent Asian Americans from reporting crime. How do language barriers affect routine patrol activities? Traffic stops can be a challenge when the driver does not speak English. In these situations, officers cannot explain the process that follows getting a ticket or summons. Even in situations where Asian Americans are proficient in English, they may prefer to speak their native language because of the seriousness of the situation.

4.3 - African Americans and the Criminal Justice System

African American Heritage - From Slavery to Freedom^{xvii}

When Americans think of African-Americans in the deep south before the Civil War, the first image that invariably comes to mind is one of slavery. However, many African-Americans were able to secure their freedom and live in a state of semi-freedom even before slavery was abolished by war. Free blacks lived in all parts of the United States, but the majority lived amid slavery in the American South. It is estimated that by 1860 there were about 1.5 million free blacks in the southern states.

How did African-Americans become free? Some slaves bought their own freedom from their owners, but this process became more and more rare as the 1800s progressed. Many slaves became free through manumission, the voluntary emancipation of a slave by a slaveowner. Manumission was sometimes offered because slaves had outlived their usefulness or were held in special favor by their masters. The offspring of interracial relations were often set free. Some slaves were set free by their masters as the abolitionist movement grew. Occasionally slaves were freed during the master's lifetime, and more often through the master's will. Many African-Americans freed themselves through escape. A few Americans of African descent came to the United States as immigrants, especially common in the New Orleans area.

Were free blacks offered the same rights as free whites? The answer is quite simply no. For example, a Virginia law, passed in the early 1830s, prohibited the teaching of all blacks to read or write. Free blacks throughout the South were banned from possessing firearms or preaching the Bible. Later laws even prohibited Negroes who went out of state to get an education from returning. In many states, the slave codes that were designed to keep African-Americans in bondage were also applied to free persons of color. Most horrifically, free blacks could not testify in court. If a slave catcher claimed that a free African-American was a slave, the accused could not defend himself in court.

Free blacks were highly skilled as artisans, businesspeople, educators, writers, planters, musicians, tailors, hairdressers, and cooks. African-American inventors like **Thomas L. Jennings**,

who invented a method for the dry cleaning of clothes, and **Henry Blair Glenn Ross**, who patented a seed planter, contributed to the advancement of science. Some owned property and kept boarding houses, and some even owned slaves themselves. Prominent among free persons of color of the period are Frederick Douglass, Richard Allen, Absalom Jones, and Harriet Tubman.

Starting as early as 1663, slaves were organizing revolts to regain their freedom. Hundreds of minor uprisings occurred on American plantations during the two and a half centuries of slavery. Most of the uprisings were small in scope and were put down easily. Some were larger in ambition and sent a chill down the spines of countless Southern planters. Two of the most famous revolts were in the early nineteenth century. One was led by Denmark Vesey and the other was led by Nat Turner.

An End to Slavery

The 13th Amendment to the U.S. Constitution, ratified in 1865 in the aftermath of the Civil War, abolished slavery in the United States. The 13th Amendment states: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

Separate but not Equal – The Jim Crow Era

During the first half of the 20th century, the United States existed as two nations in one. The Supreme Court ruling in **PLESSY V. FERGUSON** (1896) decreed that the legislation of two separate societies — one black and one white — was permitted as long as the two were equal. States across the North and South passed laws creating schools and public facilities for each race. These regulations, known as Jim Crow laws, reestablished white authority after it had diminished during the Reconstruction era. Across the land, blacks and whites dined at separate restaurants, bathed in separate swimming pools, and drank from separate water fountains.

The United States had established an American brand of apartheid. In the aftermath of World War II, America sought to demonstrate to the world the merit of free democracies over communist dictatorships. But its segregation system exposed fundamental hypocrisy. Change began brewing in the late 1940s. President Harry Truman ordered the end of segregation in the armed services, and Jackie Robinson became the first African American to play Major League Baseball. But the wall built by Jim Crow legislation seemed insurmountable.

The first major battleground was in the schools. It was very clear by mid-century that southern states had expertly enacted separate educational systems. These schools, however, were never equal. The NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP), led by attorney Thurgood Marshall, sued public schools across the South, insisting that the "SEPARATE BUT EQUAL" CLAUSE had been violated.

In no state where distinct racial education laws existed was there equality in public spending. Teachers in white schools were paid better wages, school buildings for white students were

maintained more carefully, and funds for educational materials flowed more liberally into white schools. States normally spent 10 to 20 times on the education of white students as they spent on African American students.

The Supreme Court finally decided to rule on this subject in 1954 in the landmark ***BROWN V. BOARD OF EDUCATION OF TOPEKA*** case. The verdict was unanimous against segregation. "Separate facilities are inherently unequal," read Chief Justice EARL WARREN's opinion. Warren worked tirelessly to achieve a 9-0 ruling. He feared any dissent might provide a legal argument for the forces against integration. The united Supreme Court sent a clear message: schools had to integrate.

The North and the border states quickly complied with the ruling, but the *Brown* decision fell on deaf ears in the South. The Court had stopped short of insisting on immediate integration, instead asking local governments to proceed "with all deliberate speed" in complying. Ten years after *Brown*, fewer than ten percent of Southern public schools had integrated. Some areas achieved a zero percent compliance rate. The ruling did not address separate restrooms, bus seats, or hotel rooms, so Jim Crow laws remained intact. But cautious first steps toward an equal society had been taken. It would take a decade of protest, legislation, and bloodshed before America neared a truer equality.

Civil Rights Movement

In 1950, the United States operated under an apartheid-like system of legislated white supremacy. Although the Civil War did bring an official end to slavery in the United States, it did not erase the social barriers built by that "peculiar institution." Despite the efforts of radical reconstructionist, the American South emerged from the Civil War with a system of laws that undermined the freedom of African Americans and preserved many elements of white privilege. No major successful attack was launched on the segregation system until the 1950s.

Beginning with the Supreme Court's school integration ruling of 1954, the American legal system seemed sympathetic to African American demands that their Fourteenth Amendment Civil Rights be protected. Soon, a peaceful equality movement began under the unofficial leadership of Dr. Martin Luther King Jr. A wave of marches, boycotts, sit-ins, and freedom rides swept the American South and even parts of the North.



Pin It! *The Civil Rights Movement*

Watch this [history crash course](#) on the American civil rights movement.

Public opinion polls across the nation and the world revealed a great deal of sympathy for African Americans. The Eisenhower, Kennedy, and Johnson administrations gave the Civil Rights Movement at least tacit support. Although many obstacles to complete racial equity remained, by 1965 most legal forms of discrimination had been abolished.

Legal equality did not bring economic equality and social acceptance. Gains made by civil rights activists did not bring greater unity in the movement. On the contrary, as the 1960s progressed, a radical wing of the movement grew stronger and stronger. Influenced by Malcolm X, the Black Power Movement rejected the policy of nonviolence at all costs and even believed integration was not a desirable short-term goal. Black nationalists called for the establishment of a nation of African Americans dependent on each other for support without the interference or help of whites.

Race-related violence began to spread across the country. Beginning in 1964, a series of "long, hot summers" of rioting plagued urban centers. More and more individuals dedicated to African American causes became victims of assassination. Medgar Evers, Malcolm X, and Martin Luther King Jr. were a few of the more famous casualties of the tempest. Hope and optimism gave way to alienation and despair as the 1970s began. Many realized that although changing racist laws was actually relatively simple, changing racist attitudes was a much more difficult task.



Pin It! Spotlight - Wealth disparities

The homeownership rate for black households was 44.9 percent in 2011, lagging far behind the homeownership rate for whites (73.8 percent). Since fewer than half of black households own homes, this means that for the median (typical) black household, there is zero wealth from home equity. The median black household also owns no stock.

The Great Recession decimated wealth from all demographic groups, but minorities were especially hard hit. While median wealth of white households sank 35.8 percent, it plummeted for black households (49.7 percent), and nosedived for Latino households (86.3 percent) from 2007–2010.

Poverty

- 27.4% - In 2010, 27.4 percent of blacks lived in poverty, compared to the overall U.S. poverty rate of 15.1 percent.
- 45.8% - 45.8 percent of black children under age 6 lived in poverty, more than three times the rate for young white children.

Mobility

- 62.9% - 62.9 percent of black children whose families were in the bottom fourth of all families by income remained in the bottom fourth as adults. This measure of downward mobility was about twice the rate (32.3 percent) for whites.
- 3.6% - Only 3.6 percent of black children from the bottom fourth made it to the top fourth of the income scale, an upward mobility rate about one-fourth the rate for whites.

4.4 - Americans of Hispanic Decent^{xviii}

Police engagement with immigrant Latino communities has been challenging for decades, in large part because of immigration policies and the fear of law enforcement officials present throughout these communities. As a result, members of Latino communities often become victims of crimes commonly experienced among immigrant populations, including robbery of day workers (who are often carrying a day's or even a week's worth of wages), exploitation by employers taking advantage of an individual's immigration status by withholding wages or

violating U.S. labor laws, and domestic violence perpetrated by an abuser who knows that his or her victim will not approach police for assistance. Research has shown that undocumented immigrants are less likely to report crime for fear of deportation⁷ and are less likely to call 911, access emergency care in life-threatening situations, or approach police as victims or witnesses of crime, for the same reasons.⁸ As a result, law enforcement agencies often have to make concerted efforts to engage and build trust with this vulnerable community.

In Mount Kisco, New York, a community of more than 11,000 people—35 percent of whom are Latinos, primarily from Guatemala, Ecuador, and Colombia—the Mount Kisco Police and Community Together (PACT) program was created to strengthen the relationship between police and the immigrant Latino population, many of whom may be unfamiliar with local laws and police procedures. In order to address the common barriers to reaching immigrant communities and promote effective communication, PACT’s strategies include organizing community meetings at local houses of worship; providing cultural competency training for police officers; recruiting volunteer community liaisons.

Community meetings are held at local houses of worship to provide a safe and public environment for police and Latino immigrants to meet, communicate, and learn from one another. The meetings, are held in English and Spanish, have helped build trust and rapport between police and how to Serve Diverse Communities immigrant Latinos, providing a venue to address concerns and questions and share information that directly affects the immigrant population. Topics which are addressed at Latino community meetings can include any of the following:

- Predominant community safety concerns
- Common landlord/tenant disputes and rights
- Workers’ rights
- Available after-school programs and childcare services
- How to access alcohol and drug abuse prevention services
- How to access domestic violence services
- How to access medical services
- Eligibility information for local food pantries and shelters.

Police need to aware of the cultural factors in the Hispanic community, such as machismo and an unequal gender balance may be more prominent in immigrant Latino families. Social culture and religious values shape family roles and gender socialization, and immigrant Latino families are often discouraged from sharing anything negative about themselves or their family dynamics with outsiders, making police investigations of any kind very difficult.

What do police need to know regarding Latino family structures? Like many families, Latino families can be paternalistic, which can make it difficult for law enforcement and child protective agencies to investigate allegations of child abuse. Among Latinos, there is often a

high value on the collective nature of “la familia,” and issues that may affect family dignity or reputation are often kept secret in an effort to protect the family unit.

4.5 - Americans of Middle Eastern / Indian decent^{xix}

There is no better application of the principles of good policing than in the post-September 11 environment. In the face of the dramatic terrorist attacks against the United States, the vast majority of America's communities responded with restraint, tolerance, and good will. At the forefront of these efforts have been police chiefs and other law enforcement executives, who captured the spirit of police-community cooperation. This has been no small challenge, given the divisions, fears, and other internal stresses which arose during this unprecedented emergency.

Police chiefs and other local officials recognized that this was a time for police-community cooperation and collaboration, a time to minimize any divisions and distractions from the common national priority of combating terrorism. Homeland security requires communities of cooperation and citizens of goodwill. A climate of personal safety and protection requires increased trust of governmental institutions and agencies, especially law enforcement. Important information is more likely to be volunteered to authorities. Suspicious and unusual activity will be reported, and investigations can proceed. Further, public trust and confidence reduce community tensions, especially between groups that may feel unprotected and suspected by government institutions.

The aftermath of September 11, 2001 became an opportunity for police departments to deepen their relationships with Arab-American, Sikh, and Muslim communities. While these communities were fairly well established, there had been little occasion for outreach and educational activities before September 11. Since September 11, 2001, public forums, dialogues, and other events designed to build bridges between police departments and these communities have taken place.

What were some of the elements which helped to create the positive relations, especially between law enforcement agencies and the communities they serve?

Tone-setting messages by public officials ranging from the Nation's highest public officials to town mayors and police chiefs helped to create an atmosphere of moderation and restraint. Their public cautions against misdirected behavior towards fellow citizens and pledges to vigorously prosecute of any attacks against individuals or groups went a long way towards establishing expectations of fairness and justice.

Prompt and sensitive attention by government and law enforcement officials to racial and ethnic attacks and incidents helped to create trust and confidence in public officials and institutions. When incidents and hate crimes were reported, most law enforcement agencies reacted with dispatch, sensitivity, and thoroughness.

Improved cooperation and coordination among Federal, regional, and local policing and other law enforcement agencies helped bridge jurisdictional tensions and prevent conflicts. Since September 11, investigative agencies have enjoyed unparalleled cooperation, combining resources and experience in their investigative and prosecutorial efforts.

Intensive training by police and government agencies in Arab, Muslim, and Sikh issues helped to head off cross-cultural conflicts, misunderstandings, and tensions. Law enforcement agencies recognized that they needed to deepen their understanding of these cultures, and many secured trainings to help officers to be sensitive to the particular cross-cultural dimensions of police work.

Outreach by police departments to Arab-American, Muslim, and Sikh communities provided police and leaders from these communities an opportunity to develop cooperative working relationships. Effective policing involved deliberate efforts by police chiefs to extend their connections to these communities by visits, calls, and public forums to listen, learn of concerns, and reassure members of these communities that their concerns.

4.6 - Native Americans^{xx}

What is Indian Country, and what is meant when the term Indian reservations and Indian nations is used? Whom do police in Indian Country serve? What does the typical police department in Indian Country look like (especially, who polices Indian Country)? And finally, what are the basics of the criminal justice system in Indian Country? This section sets the scene for the discussions that follow.



Pin It! What Is “Indian Country”?

“Indian Country” comprises the 56 million acres of land owned by Indian communities in the United States.¹ According to the BIA (1998a) there are more than 330 federally recognized Indian tribes in the lower 48 United States. Nearly all tribes have reservations, which are lands the United States “reserved for” tribes in treaties, statutes, or executive orders during the Euro-American western expansion of the 18th, 19th, and 20th centuries (BIA 1998b). Most of Indian Country is located west of the Mississippi River, but it also includes a number of reservations belonging to tribes in the East. Overall, Indians live on reservations in 34 continental States, and all reservations have some form of policing arrangement (BIA 1998b; Bureau of the Census 1993).

Increasingly, tribes are referred to as “nations” to acknowledge their distinct political status vis-à-vis the U.S. Federal and State governments: Indian governments are not part of the Federal hierarchy but, instead, have a government-to-government relationship with the United States

(Reno 1995). Under this arrangement, American Indians hold dual citizenship as citizens of both the United States and their Native nation. Because limitations on tribal authority do exist (for example, tribes do not float their own currencies or provide for their own defense), it may be more accurate to describe Indian nations as semi-sovereign, or “domestic dependent nations,” as Chief Justice Marshall did in *Cherokee Nation v. Georgia* (30 U.S. (5 Pet.)1(1831)). Yet, while tribes control a narrower scope of policy than do such nations as Germany and Brazil, they have significantly more scope for policy making than cities or even U.S. States. Indian nations adopt constitutions for their societies, write civil laws to regulate conduct and commerce within their territorial boundaries, and enforce those laws with their own judicial systems. In brief, modern tribes exercise substantial, but not complete, rights of self-determination and self-government.

Whom Do Police in Indian Country Serve?

In 1995, the BIA estimated a non-Alaska service population (the number of Natives living on or very near reservations) of 1.1 million. Other estimates are higher. Using data from the 1990 census and a historical growth factor, the Indian Health Service (1997) estimated a 1996 non-Alaska service population of more than 1.3 million, which would rise by more than 100,000 by the year 2000. These differences reflect difficulties in enumerating the reservation-based Indian population, the high birth rates that are typical on many reservations, and in some cases, in-migration.

Improved economic opportunities are the primary cause of in-migration in the Indian communities where it is occurring, but such positive economic changes are the exception rather than the rule. In particular, the perception that Native Americans are generally enjoying increased prosperity as a result of the growth of the gaming industry is mistaken. According to the Government Accounting Office (1997), almost half of all gaming revenues earned in 1995 were generated by only 8 of the 184 gaming tribes. Thus, despite new tribal opportunities and ventures, American Indians remain the poorest minority in the United States. Those living in reservation communities, commonly characterized by severe unemployment (sometimes reaching 80 to 90 percent) and the attendant social and economic symptoms of poverty, are the worst off of all.

Important education and health outcomes also are poor. For example, as of 1990, the high school completion rate among reservation-resident Natives age 25 and over was 54 percent; the national rate for all races was 78 percent (Bureau of the Census 1993, 312, table 7; 1998, 158, table 243). Rates of alcoholism among American Indians are extraordinarily high, and even higher than for other minorities, who are themselves at increased risk of alcohol abuse (see, for example, Greenfeld 1998). Consequently, the rates among Natives of alcohol-related health problems—chronic liver disease, cirrhosis, fetal alcohol syndrome—are much higher than for other population groups. Indexes of social dysfunction, such as suicide and homicide, are also much higher than for either the general population or other minority populations; for instance, the suicide rate is almost triple that of the general population (Indian Health Service 1997).

Even so, many Indian nations are experiencing significant counter trends. For example, through aggressive economic development and effective governance, unemployment among the Mississippi Choctaw fell from 80 percent in the early 1980s to virtually zero in 1996; average family income increased approximately seven-fold, to \$22,000, during the same period (Bordewich 1996). The Gila River Indian Community was able to provide funding to more than 200 college students in the late 1990s, as opposed to only a handful earlier in the decade. This support will dramatically increase the percentage of community members who are recorded as college graduates in the next census.³ In sum, Indian Country comprises a striking variety of economic and social conditions and characteristics.

An important additional type of variation is the substantial cultural diversity found among American Indian communities. Although “American Indian” is a single race category on the U.S. Census, this grouping hides the fact that members of one tribe can be as different from members of another tribe as citizens of Greece are from citizens of Vietnam. Certainly, tribes’ geographic dispersion is one source of diversity. Peoples sharing similar natural surroundings developed somewhat similar cultures and related languages; tribal subgroups then refined the common culture in distinct ways, which gave rise to a wide variety of cultures throughout Indian Country.

One rough categorization of these differences separates the Indians of the continental United States into five cultural-geographic groups:

- Farmers of the eastern forests.
- Nomadic hunters of the plains and prairies.
- Farmers and herders of the Southwest.
- Seed gatherers of California.
- Ocean and river fishermen of the Northwest (Driver 1969; Waldman 1985).

Another method for classifying Native Americans’ cultural diversity is based on language. Early studies found more than 70 distinct linguistic families and isolates among some 250 North American Indian languages. However, with the extinction of some languages and reclassification of others, linguists now group most extant North American Indian languages into six primary families:

- Eskimo and Aleut (Far North).
- Algonquian (various tribes in the eastern forests, the Plains, and the Far West).
- Athabascan and related languages (the Mackenzie-Yukon Basin, the Navajos in the Southwest, and some West Coast peoples).
- Uto-Aztecan and related languages (the Great Basin and Rocky Mountains area, the Plains, and the majority of the Pueblos).
- Chinookan and related languages (several scattered Far Western tribes).

- Siouan and related languages (people in such disparate regions as the Northeast, the Southeast, the Plains, New Mexico, and northern California).

Languages within the six families display linguistic similarities, but in practice they are mutually unintelligible, a fact that reinforces cultural differences. Despite decades of suppression and English assimilation, Native language use may now be on the upswing.⁵ Thus, the extraordinary cultural variation among historical Indian nations is, and should continue to be, an important distinguishing factor among modern Indian nations.

Finally, the history and politics of place also contribute to distinct cultural identities. As reservations were created, members of several indigenous groups were sometimes assigned to one locality; conversely, members of some large indigenous groups were located on several land bases. Over time, the people of each reservation experienced unique struggles. These historical, geographical, and cultural-linguistic differences together support the proposition that the resident community of each of these 330-plus, unique “nations” is the most appropriate group to undertake policy making and problem solving.

Who Polices Indian Country?

The array of administrative arrangements for policing in Indian Country is complex (*see exhibit 1). Members of the police departments that serve reservation communities may be tribal, Federal, State, county, or municipal employees.

Tribal or Public Law 93–638 Policing

The most common administrative arrangement is for police departments to be organized under the auspices of the Indian Self-Determination and Education Assistance Act of 1975. Also known as Public Law 93–638 (PL 93–638), this law gives tribes the opportunity to assume responsibility for many programs previously administered by the Federal Government by contracting with the BIA (Canby 1998, 30–31). Thus, these police departments are administered by tribes under contract with the BIA Division of Law Enforcement Services. Typically, a 638 contract establishes the department’s organizational framework and performance standards and provides basic funding for the police function. Officers and nonsworn staff of 638 contract departments are tribal employees.

Tribes have used the Self-Determination Act quite aggressively to acquire increased control of their police departments. In 1995, for example, 88 departments (nearly half of the non-Public Law 83–280 tribes) were administered under the auspices of PL 93–638. BIA Administration Departments administered by the BIA are the second most common type of police department in Indian Country. Staff in these departments are Federal employees and are part of a national, BIA employed hierarchy of law enforcement officers. For many years, patrol officers were under the line authority of the local BIA superintendent (each reservation has a BIA superintendent who oversees all or most BIA functions on that reservation), and criminal investigators were under the line authority of the BIA Division of Law Enforcement Services. Recent changes have

placed line authority for patrol under the BIA Division of Law Enforcement Services as well. In 1995, 64 departments (slightly more than one third of the non-PL 83–280 tribes) were administered by the BIA.

Self-Governance Policing and Tribally Funded Departments

By far less common than the types described above, but significant nevertheless, are departments that receive funding under the auspices of the self-governance amendments to Public Law 93–638 and departments that receive complete funding from tribal coffers. Like tribes with 638ed police departments, tribes with self-governance arrangements contract (except in this case, the terminology is to “compact”) with the BIA to assume responsibility for law enforcement services that might otherwise be performed by the BIA. The primary difference between contracting under PL 93–638 and compacting under its self-governance amendments is that financing is through a block grant, rather than as payment for budgeted line items. These contractual requirements and funding mechanisms grant tribes much more control over government functions than is permitted under 638 contracts. In 1995, 22 Indian police departments (approximately 12 percent of the non-PL 83–280 tribes) were administered through self-governance.

Although tribes achieve a high degree of organizational freedom through self-governance compacts, tribes that fully fund their own police departments gain near-complete tribal control of their law enforcement institutions. Given resource constraints in Indian Country, however, only four of the non-PL 83–280 tribes had tribe funded departments in 1995.

Public Law 83–280 Policing

A number of tribes rely on State and local authorities for police services under Public Law 83–280, 67 Stat. 588 (1953). This law, passed as part of a larger effort to “terminate” American Indian tribes, gave California, Minnesota, Nebraska, Oregon, Wisconsin, and (later) Alaska the power to enforce the same criminal laws within Indian Country as they did outside of Indian Country. The law also “provided that any other state could assume such jurisdiction by statute or state constitutional amendment,” and many did so (Canby 1998, 27; Barker 1998, 46–49). With the advent of the Federal policy of self-determination in the 1970s, some States retroceded policing responsibility back to tribes. Nonetheless, a significant number of Indian communities still rely on State and local police services, which usually are paid for by the surrounding, and generally larger, non-Indian community.

The number of tribes subject to policing through PL 83–280 is fairly static and relatively large (for example, it includes many of the more than 100 tribes in California). They have excluded them from this study, which focuses on tribes that either police themselves or have a present opportunity to do so. Often, PL 83–280 tribes have rather small populations or limited land bases, characteristics that make self-policing much more difficult. We agree with other researchers, however, that, despite these constraints, PL 83–280 tribes should have an opportunity to determine the policing arrangement that best serves their members (Goldberg

and Singleton 1998). The complexity of these issues' merits separate, comprehensive treatment.

Other Administrative Arrangements

To this already complicated picture, we must add several more possibilities. First, tribes can contract with the BIA for individual police functions. Therefore, some departments will have a tribal patrol function and a BIA criminal investigation function. Second, an increasing number of departments include both tribally employed and BIA employed patrol officers. The Community Oriented Policing Service (COPS) program⁶ is one driving force behind this mix. Its grants provide funding for new local-level officers, who cannot be Federal employees. Thus, tribes that receive COPS grants but have BIA-administered departments have had to hire officers under tribal auspices.

The Typical Department in Indian Country

Despite the complexity of administrative arrangements, it is possible to construct a rough portrait of the typical police department serving Indian Country. This sketch is a step toward developing a general understanding of the context of policing in Indian Country. The data for this portrait come from the approximately 40 respondents to our survey of the 67 largest tribes (66 largest departments) located in the continental United States.

The typical department is administered either by the tribe through a 638 contract or by the BIA. It has 32 employees (of whom approximately 9 are civilians, 6 are detention officers, 16 are police officers, and 1 to 3 are command staff). Given the around-the-clock nature of policing, the numbers imply that the typical department has only a few officers on duty at any one time. The sworn officers are high school graduates and graduates of certified law enforcement training academies. A slight majority are Native American.

The typical department polices a reservation land area of 500,000 acres and serves approximately 10,000 tribal members.⁷ Therefore, the typical setting is a large land area with a relatively small population patrolled by a small number of police officers, and the superficial description is of a rural environment with rural-style policing. In fact, substantial numbers of reservation residents live in fairly dense communities that share attributes of suburban and urban areas. Nonetheless, the figures are roughly equivalent to an area the size of Delaware, but with a population of only 10,000 that is patrolled by no more than three police officers (and as few as one officer) at any one time— a level of police coverage that is much lower than in other urban and rural areas of the country.

The typical department has an operating budget of approximately \$1 million per year, which also is less than its rural counterparts and much less than the typical urban police department. In keeping with this limited resource base, the facilities and equipment that support such a department are generally old: The department typically is housed in a building that is 20 or more years old and relies on a vehicle fleet that is at least 3 years old.

The Criminal Justice System in Indian Country

The components of the criminal justice system in Indian Country are similar to those of non-Indian communities throughout the country. The primary components are the judiciary, the prosecutorial and defense bars, the correctional system (including probation), and the police. However, the complex jurisdictional arrangements in Indian Country mean that for nearly every serious crime, the U.S. Attorney and the Federal Bureau of Investigation (FBI) have potential jurisdiction. This is markedly different from the situation in non-Indian communities: On reservations, Federal agencies play a potentially broad role in the operation of what is essentially a local criminal justice system.

Although the arrangements may vary from reservation to reservation, three factors always come into play in determining criminal jurisdiction in Indian Country. These factors tend to narrow tribal jurisdiction and expand either State or Federal jurisdiction over a wide range of crimes:

- Where the crime was committed. Only crimes committed in Indian Country, on trust land, fall under the jurisdiction of tribes. All crimes committed outside of Indian Country, even if they involve American Indians, fall under State or Federal jurisdiction.
- Who committed the crime (Indian or non-Indian). For tribal jurisdiction, the alleged offender must be an American Indian. Sometimes, however, even Indians who are not members of the tribe on whose reservation the crime occurred may be exempt from that tribe's jurisdiction. Regardless of the nature of the crime or the location in which it occurred, non-Indians are not under the criminal jurisdiction of tribes.
- What crime was committed. As a result of the Major Crimes Act of 1885 (18 U.S.C.A. §1153) and the Indian Civil Rights Act of 1968 (25 U.S.C.A. §1302(7)), tribes have jurisdiction only over less serious crimes. Most serious crimes—including murder, manslaughter, arson, burglary, and robbery—fall under the jurisdiction of Federal authorities. However, some tribes have found ways to exercise increased authority over the investigation and adjudication of more serious crimes.⁸

Other attributes of the criminal justice system in Indian Country that often are highlighted by experts in the field and are relevant to this discussion include the following:

- Like police departments in Indian Country, other Indian Country criminal justice agencies suffer from major resource constraints (see Odum 1991).

- Indian Country has a greater representation of nonprofessionals in the judiciary and the prosecution and defense bars than non-Indian communities do (see Melton 1998).
- Indian Country has a severe shortage of jail space and correctional treatment programs, particularly with regard to substance abuse (Office of the Inspector General 1996).

4.7 - Other Key Minority Groups and Special Populations

Children/Youth^{xxi}

The officer involved shooting of Tamir Rice in Cleveland, Ohio, and Michael Brown in Ferguson, Missouri has highlighted the complex, and sometimes tragic, relationship between law enforcement and youth, particularly youth of color. Negative perceptions of police, sometimes due to aggressive law enforcement in communities of color, have been linked to a number of impacts (short of death) on youth of color, including a willingness to break the law, a mistrust of police, a refusal to cooperate with officers, and alienation in other respects. Enhancing the quantity and quality of positive contacts between youth of color—particularly African-American youth—and the police is necessary to foster trust, cooperation, and community engagement. A number of police agencies across the country have developed various school-based and extracurricular initiatives to engage youth and increase positive, non-punitive interactions between law enforcement and young people.

?

Think About It. . . How would incarcerated youth train police?

Performing Statistics is an ongoing project that connects incarcerated teens, artists, and Virginia’s leading policy experts to transform the juvenile justice system. During the summer of 2015 and 2016, a group of incarcerated teens were able to leave their detention facility, come to a window-filled art space and co-create a multitude of projects about their lives. Follow this [link](#) to view their project.

The Hawthorne (California) Police Department’s Teen/Police Dialogue Workshops aim to provide a tangible, positive engagement opportunity between African-American teens and police officers. These workshops provide an opportunity for youth to discuss common questions they have about police procedures, as well as their own rights. In the program, youth are able to first express their questions and concerns about law enforcement by discussing these questions. This forms a foundation for subsequent collaboration.

While many police departments use sports or other physical activities to provide positive outlets for youth, the Seattle Police Department's Urban Youth Chess Club challenges traditional stereotypes about the interests and capabilities of youth of color who live in urban environments.

Since 2005, the Seattle Police Department (SPD) has been engaging elementary school-aged youth with an after-school and weekend chess activity that works to simultaneously develop critical thinking skills in the children and promote positive relationships with law enforcement. This club currently meets twice a week at either a local library or community center.

SPD Detective Denise "Cookie" Bouldin created this club after attending a First Move program training by the American Foundation for Chess (AF4C).^{*} The AF4C engages young minds and teaches critical and creative thinking skills through the game of chess. This program teaches the kids how to apply chess-playing strategies to real-life situations where young people are faced with difficult choices, negative influences, and peer pressure. Detective Bouldin (known in the club as Detective Cookie) uses the chess boards to teach anti-violence behaviors and demonstrate smart decision-making skills.

The Austin (Texas) Police Department partners with the Boys and Girls Club, YMCA, and other local youth programs to run a youth mentorship program aimed at engaging young people who live in neighborhoods with the highest incidences of crime. The goal is to improve the youth's perceptions of police, academic performance, and leadership skills at a young age so that they will be better equipped to make healthy decisions as they get older. The mentorships include teaching leadership and school study skills and building the youth's appreciation for volunteerism and community building. Program participants have reported improved grade point averages and school attendance after engaging with this mentorship program.

The Anaheim (California) Police Department's Junior Cadet Program is a weekly after-school program that enables students who are interested in a career in criminal justice or fire safety to learn more about the field, build relationships with current officers, and set career goals. Participation in the program has been shown to boost students' academic achievement, decrease disciplinary problems at school, and foster positive relationships with local police. In Anaheim, the program is managed by the police department's community service officers.

Effective anti-gang efforts begin when law enforcement partners with parents, schools, religious institutions, community organizations, businesses, and youth to improve their communities. Local anti-gang coordinating committees bring together a number of criminal justice and community stakeholders to focus on the three components of an anti-gang strategy: prevention, intervention, and suppression.

Collaboration between law enforcement agencies and schools and parents is critical to ensuring the safety of youth. School resource officer (SRO) programs have become an important way for law enforcement to fulfill its duty to protect children on campus and contribute to safer learning environments. Local law enforcement officers' specialized knowledge of the law, local

and national crime trends, and information about public safety threats make them essential contributors to any school's environmental safety planning, facilities management, and emergency response preparedness.

Selecting the right officer for the SRO position is paramount to the program's success and to demonstrating a positive image of law enforcement for school-aged youth. When officers have a genuine interest in working with student's relationships can be formed with the students resulting in mutual trust. SROs are sworn police officers trained to serve and protect the community and schools within their jurisdiction as part of a total community policing strategy. While an SRO's primary responsibility is safety, an SRO should also take opportunities to present information on public safety topics, such as emergency preparedness, to their school communities. In imparting knowledge to students and staff, an SRO can build a foundation for positive relationships. Informal counseling abilities. Like other caring adults, an SRO can guide youth in making good choices, avoiding destructive behaviors, and navigating life's circumstances, challenges, and opportunities. SROs should also recognize that they are role models for children and should work to maintain a positive and professional public.

Seniors/elderly^{xxii}

Mistreatment and abuse of the elderly is a major social problem. As expected, with the biology of aging, the elderly sometimes become physically frail. This frailty renders them dependent on others for care—sometimes for small needs like household tasks, and sometimes for assistance with basic functions like eating and toileting. Unlike a child, who also is dependent on another for care, an elder is an adult with a lifetime of experience, knowledge, and opinions—a more fully developed person. This makes the care-providing situation more complex.

Elder abuse occurs when a caretaker intentionally deprives an older person of care or harms the person in his or her charge. Caregivers may be family members, relatives, friends, health professionals, or employees of senior housing or nursing care. The elderly may be subject to many different types of abuse.

In a 2009 study on the topic led by Dr. Ron Acierno, the team of researchers identified five major categories of elder abuse: 1) physical abuse, such as hitting or shaking, 2) sexual abuse, including rape and coerced nudity, 3) psychological or emotional abuse, such as verbal harassment or humiliation, 4) neglect or failure to provide adequate care, and 5) financial abuse or exploitation (Acierno 2010).

The National Center on Elder Abuse (NCEA), a division of the U.S. Administration on Aging, also identifies abandonment and self-neglect as types of abuse. Table 13.1 shows some of the signs and symptoms that the NCEA encourages people to notice.

The National Center on Elder Abuse encourages people to watch for these signs of mistreatment:

- Type of Abuse Signs and Symptoms: Physical abuse, Bruises, untreated wounds, sprains, broken glasses, lab findings of medication over dosage.
- Sexual abuse: Bruises around breasts or genitals, torn or bloody underclothing, unexplained venereal disease.
- Emotional/psychological abuse: Being upset or withdrawn, unusual dementia-like behavior (rocking, sucking).
- Neglect: Poor hygiene, untreated bed sores, dehydration, soiled bedding.
- Financial: Sudden changes in banking practices, inclusion of additional names on bank cards, abrupt changes to will.
- Self-neglect: Untreated medical conditions, unclean living area, lack of medical items like dentures or glasses.

How prevalent is elder abuse? Two recent U.S. studies found that roughly one in ten elderly people surveyed had suffered at least one form of elder abuse. Some social researchers believe elder abuse is underreported and that the number may be higher. The risk of abuse also increases in people with health issues such as dementia (Kohn and Verhoek-Oftedahl 2011). Older women were found to be victims of verbal abuse more often than their male counterparts.

In Acierno’s study, which included a sample of 5,777 respondents age sixty and older, 5.2 percent of respondents reported financial abuse, 5.1 percent said they’d been neglected, and 4.6 endured emotional abuse (Acierno 2010). The prevalence of physical and sexual abuse was lower at 1.6 and 0.6 percent, respectively (Acierno 2010).

Other studies have focused on the caregivers to the elderly in an attempt to discover the causes of elder abuse. Researchers identified factors that increased the likelihood of caregivers perpetrating abuse against those in their care. Those factors include inexperience, having other demands such as jobs (for those who weren’t professionally employed as caregivers), caring for children, living full-time with the dependent elder, and experiencing high stress, isolation, and lack of support (Kohn and Verhoek-Oftedahl 2011).

A history of depression in the caregiver was also found to increase the likelihood of elder abuse. Neglect was more likely when care was provided by paid caregivers. Many of the caregivers who physically abused elders were themselves abused—in many cases, when they were children. Family members with some sort of dependency on the elder in their care were more likely to physically abuse that elder. For example, an adult child caring for an elderly parent while at the same time depending on some form of income from that parent, is considered more likely to perpetrate physical abuse (Kohn and Verhoek-Oftedahl 2011).

A survey in Florida found that 60.1 percent of caregivers reported verbal aggression as a style of conflict resolution. Paid caregivers in nursing homes were at a high risk of becoming abusive if they had low job satisfaction, treated the elderly like children, or felt burnt out (Kohn and Verhoek-Oftedahl 2011). Caregivers who tended to be verbally abusive were found to have had less training, lower education, and higher likelihood of depression or other psychiatric

disorders. Based on the results of these studies, many housing facilities for seniors have increased their screening procedures for caregiver applicants.

Mental illness/mentally handicapped^{xxiii}

Police and other law-enforcement officers are frequently the first-line responders to those suffering from a psychiatric crisis. Unfortunately, negative interactions between individuals with mental illness and law enforcement are widely reported and frequently tragic. Mental health training is essential to reduce the number of undesirable outcomes between police and law-enforcement individuals and those suffering from mental illness, with research finding that a lack of training leads to an escalation in violence, and increased rates of injury and death. This offers the potential that with appropriate training of police officers, particularly focusing on better communication and the ability to more easily de-escalate emotions during these interactions that this will reduce the frequency of these negative interactions.

Training police on how best to interact with individuals who may have a mental illness is not new. A recent study looking at Canadian law-enforcement organizations found that entry-level training on mental illness occurs widely and provides a strong groundwork for positive interactions, as well as noting significant increases in crisis intervention training in the last decade in many countries, including Canada, the United States, the United Kingdom, and Australia.

Nonetheless, although training has increased, there continues to be a number of issues that remain. The present review focuses on recommendations for change and includes recent suggestions for both police training and police organizations. Taking all of these into consideration, the current review proposes a focus on specific aspects of training that must be enhanced to improve outcomes, and how this research should best be carried out in collaboration with police forces.

Another major issue in current police training revolves around the assumption that if attitudes toward mental illness can be made more positive then behaviors will change accordingly. Because of this assumption, current training programs focus on changing attitudes through educational means even though their main goal is to change behaviors. In this regard, we must understand the challenge it takes in changing attitudes. Once attitudes, stereotypes, or biases are established, they are extremely difficult to modify. As well, if attitudes are strong, behaviors are increasingly more difficult to change. If the end goal is to improve an officer's behavior toward individuals with mental illness, a more efficient way is to focus on changing behavior, assuming attitudes will change accordingly. This theory is termed cognitive dissonance or self-justification. When attitudes and behaviors are inconsistent with each other, individuals have beliefs that attitudes, and behaviors should be related and thus aim to diminish tension by shifting their attitudes to match their behaviors. Attitudes only change if officers are unable to justify externally, why they acted in a certain way. For example, if a sergeant was watching, officers justify their actions by telling themselves they acted this way because the sergeant was watching. However, if behaviors are implemented without external justification, then there will

be an internal attitude shift linking behaviors to attitudes. For example, officers will believe that the reason they acted this way was because they like acting this way, leading to an attitude change.

Interestingly, although it is difficult to accomplish, some research does show improvements in police attitudes and stigma toward mentally ill individuals and positive behavioral changes after training. However, even if attitudes and behaviors do change post training, there is evidence showing that attitudes do not always predict behaviors and vice versa.

There are four factors that strengthen or weaken the link between attitudes and behavior:

1. **Specificity:** specific attitudes must be compared to specific behaviors, and general attitudes must be compared to general behaviors. If there is a mismatch, then actual attitudes may not be determined. For example, general attitude toward mental illness will not predict behaviors toward depressed individuals.
2. **Individual differences:** some individuals are able to change their behavior according to the situation (high self-monitors), while others act the same in all situations (low self-monitors). Low self-monitors act according to their attitudes. (It has been found that if individual confidence is increased, people can become high self-monitors.)
3. **Attitude strength:** the stronger the attitude toward something makes the attitude readily accessible and a greater predictor of behavior. Attitudes can be strengthened through direct or personal experience. As well, the stronger the attitude, the more difficult it is to change the attitude.
4. **Conformity and obedience:** if individuals are forced to behave in accordance with group norms or commanding officer beliefs, it is less likely that behaviors match private attitudes because they may be complying to avoid punishment or gain reward.

Two models that describe this relationship further using psychological processes are the attitude-to-behavior process model and the theory of planned behavior.

The attitude-to-behavior process model explains spontaneous behavior in response to an unexpected situation. It states that more accessible attitudes have instantaneous effects on behavior. Explaining behavior in terms of the specific situations tends to be overlooked and instead behaviors are explained in terms of personality and attitudes, thus attitude-behavioral relationships are made even if they may not exist. Even so, we must not ignore the influence that the specific situation has on behavior.

A third issue with current training programs is the lack of repeated, or refresher, training. While police forces recognize the need for regular and repeated training on a range of areas, this does not seem to apply to the issue of interactions with the mentally ill, where single training activities are the norm. This is despite compelling research regarding memory retention, which suggests a challenge for even the most intelligent students to remember material over time. As an example, medical students forget 25–35% of material in the first year, and more than 50% by the second. Another review suggests that memory is imperfect, and that skills and

knowledge decay by 6 months to 1 year post training, with skills deteriorating faster than knowledge.

Other evidence regarding health-related skills and knowledge retention suggest that refresher training should occur at least every 3 years. Additional support for the need for police organizations to implement repeated training in this area is research showing that police retention of knowledge decreases over time. For these reasons, training on mental health awareness needs to be repeated regularly, with current evidence suggesting training must occur every 3 years for all individuals involved in interactions with those who may have a mental illness.

Current recommendations for police training continue to emphasize the importance of training law-enforcement officers to interact more appropriately with individuals suffering from mental illness. The future direction of training for these individuals needs to address the specific factors identified in this review. First, these are the need to accurately measure the outcomes from training. Without this, it is impossible to determine if any training programs are successful. Considering the large sums of money and time it takes to carry out a training program, outcome measures are increasingly important for all police training programs, and this should also apply to those involving training for interacting with mentally ill individuals.

Second, there is a need for training programs to focus on changing behaviors and not simply attitudes, since attitudes, and behaviors may not be strongly correlated. Evidence to date suggests that this can be achieved by focusing on communication, empathy, and de-escalation by engaging officers through scenario based, hands-on training. Third, it is essential to continuously train officers throughout their careers, and to work to maintain these skills and specific knowledge, preferably by having a training program every 3 year. By continuing the opportunity for officers to increase their mental health awareness, improvements in the relationship between police and mentally ill individuals will continue to progress over time. Officers will then be better equipped to know what to look for, to ask the right questions, and to behave appropriately toward individuals with these conditions, thus increasing the number of positive interactions between these two groups.

Homosexual/transgender^{xxiv}

There is significant distrust of law enforcement among transgender (often abbreviated “trans”) people because of a history of perceived and actual bias, profiling, and abuse. It is not uncommon for transgender people to fear police; as a result of their own or their community’s experiences of victimization or discrimination at the hands of law enforcement, transgender people are often reluctant to seek police assistance and report crimes. The breakdown of relations between law enforcement and the transgender community has no doubt contributed to increased crime within and victimization experienced by this vulnerable group. Recognizing the critical need to repair these relationships, law enforcement agencies from around the country have been working with lesbian, gay, bisexual, and transgender (LGBT) rights groups

and local policymakers to design and implement police policies and patrol guides aimed at protecting the rights and dignity of transgender and gender nonconforming people.

A national survey conducted with nearly 6,500 transgender and gender nonconforming individuals revealed that transgender people—particularly transgender people of color—experienced high rates of harassment and assault when interacting with or seeking police services. Specifically, the survey revealed the following:

- Nearly half of survey respondents (46 percent) reported being reluctant to seek police assistance.
- One-fifth (22 percent) of respondents who have interacted with police reported harassment by police with substantially higher rates (29 to 38 percent) reported by respondents of color.
- Six percent of respondents reported physical attack or assault by a police officer, while 2 percent reported sexual assault by police officers.

At the same time, this survey revealed that trans people are disproportionately victims of crime:

- Eight percent of respondents reported being physically attacked or assaulted in places of public accommodation, such as restaurants, hotels, or emergency services. African-American respondents reported much higher rates of physical assault (22 percent) than their non-Black peers.
- Nearly one in five transgender people (19 percent) reported having experienced domestic violence based at least in part on their transgender status, with American Indian (45 percent), Asian (36 percent), Black (35 percent) and Latino/a (35 percent) respondents—as well as undocumented non-citizens (39 percent)—reporting higher rates of domestic violence.
- Individuals who identified as transgender and gender nonconforming in grades K–12 reported significantly high rates of harassment (78 percent), physical assault (35 percent), and sexual violence (12 percent).

Police officers working to build relationships with the transgender community can consider

- Identify transgender organizations, leaders, and other groups with strong knowledge of and connection to the local trans community. Reach out to discuss community concerns.
- Understand that transgender people are part of the diversity of the community and are themselves diverse in race, age, faith, sexual orientation, and life experience. Variations in gender expression should not be viewed as deviant or criminal. Be aware of misconceptions and stereotypes you might have regarding transgender and gender nonconforming individuals.

- Develop and conduct training together with community members, including mutual cross-cultural training presentations. Invite participation on advisory boards and area hate crimes joint task forces. With the support of community members, attend transgender community events such by making an effort to talk to participants and foster understanding.



Act It Out! “Communicating Across Cultures”

We identified several cross-cultural variables in how people use language. I organized them into the following groups:

1. words, syntax, meaning
2. tone, volume, rate
3. direct/indirect, turn-taking, interruption
4. content
5. use of silence

Now, we’d like you to choose either group C, D, or E and make some finer distinctions among the variables. (Group A is too difficult unless you are a linguist, and Group B is too simple!). For example:

Group C:

What does it mean that one way of talking is more direct than another? What are different ways people can interrupt one another and take control of the conversation?

Group D:

Brainstorm a few examples of what is acceptable/unacceptable content to discuss in different cultures. Are some topics acceptable for only some subgroups to talk about?

Group E:

From your reading, how is silence viewed in different cultures?^{xxv}

Be ready to discuss your findings with the rest of the class.

Chapter 5 – Understanding Dynamics of a Community

Key Learning Objectives:

- Be able to explain the importance of socialization and how nature vs nurture, family, peer groups, religion, the workplace and mass media affect socialization.
- Identify the mechanisms that make each person unique.
- Demonstrate the difference and importance of the formal and informal power structures that exist.
- Identify the way law enforcement impact and shape the communities they serve.

5.1 - Key elements of Socialization community

Socialization is critical both to individuals and to the societies in which they live. It illustrates how completely intertwined human beings and their social worlds are. First, it is through teaching culture to new members that a society perpetuates itself. If new generations of a society don't learn its way of life, it ceases to exist. Whatever is distinctive about a culture must be transmitted to those who join it in order for a society to survive. For U.S. culture to continue, for example, children in the United States must learn about cultural values related to democracy: they have to learn the norms of voting, as well as how to use material objects such as voting machines. Of course, some would argue that it's just as important in U.S. culture for the younger generation to learn the etiquette of eating in a restaurant or the rituals of tailgate parties at football games. In fact, there are many ideas and objects that people in the United States teach children about in hopes of keeping the society's way of life going through another generation.

Socialization is just as essential to us as individuals. Social interaction provides the means via which we gradually become able to see ourselves through the eyes of others, and how we learn who we are and how we fit into the world around us. In addition, to function successfully in society, we have to learn the basics of both material and non-material culture, everything from how to dress ourselves to what's suitable attire for a specific occasion; from when we sleep to what we sleep on; and from what's considered appropriate to eat for dinner to how to use the stove to prepare it. Most importantly, we have to learn language—whether it's the dominant language or one common in a subculture, whether it's verbal or through signs—in order to communicate and to think.

Nature versus Nurture

Some experts assert that who we are is a result of nurture—the relationships and caring that surround us. Others argue that who we are is based entirely in genetics. According to this belief, our temperaments, interests, and talents are set before birth. From this perspective, then, who we are depends on nature. One-way researchers attempt to measure the impact of nature is by studying twins. Some studies have followed identical twins who were raised separately. The pairs shared the same genetics but in some cases were socialized in different ways. Instances of this type of situation are rare but studying the degree to which identical twins raised apart are the same and different can give researchers insight into the way our temperaments, preferences, and abilities are shaped by our genetic makeup versus our social environment.

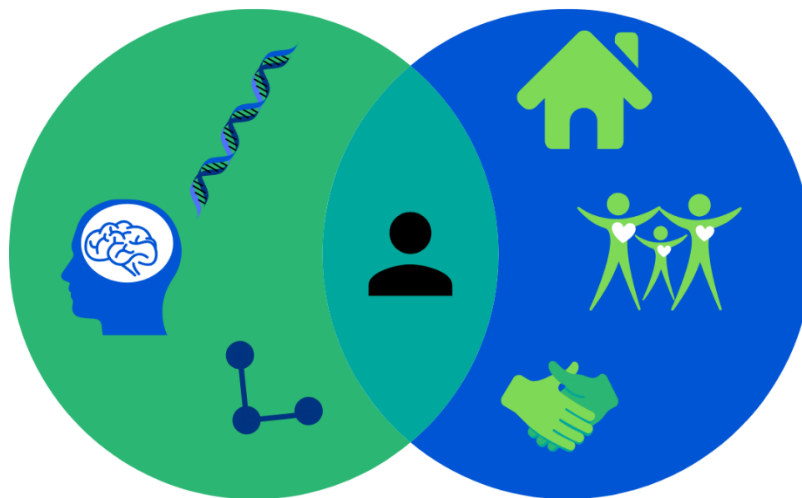


Figure 5.1 Nature vs Nurture by Trudi Radtke is used under a [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license.

For example, in 1968, twin girls born to a mentally ill mother were put up for adoption, separated from each other, and raised in different households. The adoptive parents, and certainly the babies, did not realize the girls were one of five pairs of twins who were made subjects of a scientific study (Flam 2007) **(1)**. In 2003, the two women, then age thirty-five, were reunited. Elyse Schein and Paula Bernstein sat together in awe, feeling like they were looking into a mirror. Not only did they look alike but they also behaved alike, using the same hand gestures and facial expressions (Spratling 2007) **(2)**. Studies like these point to the genetic

roots of our temperament and behavior. Though genetics and hormones play an important role in human behavior, sociology's larger concern is the effect society has on human behavior, the "nurture" side of the nature versus nurture debate. What race were the twins? From what social class were their parents? What about gender? Religion? All these factors affected the lives of the twins as much as their genetic makeup and are critical to consider as we look at life through the sociological lens.

Socialization helps people learn to function successfully in their social worlds. How does the process of socialization occur? How do we learn to use the objects of our society's material culture? How do we come to adopt the beliefs, values, and norms that represent its nonmaterial culture? This learning takes place through interaction with various agents of socialization, like peer groups and families, plus both formal and informal social institutions.

Social Group Agents

Social groups often provide the first experiences of socialization. Families, and later peer groups, communicate expectations and reinforce norms. People first learn to use the tangible objects of material culture in these settings, as well as being introduced to the beliefs and values of society

Family

Family is the first agent of socialization. Mothers and fathers, siblings and grandparents, plus members of an extended family, all teach a child what he or she needs to know. For example, they show the child how to use objects (such as clothes, computers, eating utensils, books, bikes); how to relate to others (some as "family," others as "friends," still others as "strangers" or "teachers" or "neighbors"); and how the world works (what is "real" and what is "imagined"). As you are aware, either from your own experience as a child or from your role in helping to raise one, socialization includes teaching and learning about an unending array of objects and ideas.



Figure 5.2 Family is vital to the development of values and beliefs. [Image](#) is in the public domain.

Keep in mind, however, that families do not socialize children in a vacuum. Many social factors affect the way a family raises its children. For example, we can use sociological imagination to recognize that individual behaviors are affected by the historical period in which they take place. Sixty years ago, it would not have been considered especially strict for a father to hit his son with a wooden spoon or a belt if he misbehaved, but today that same action might be considered child abuse.

Peer Group

A peer group is made up of people who are similar in age and social status and who share interests. Peer group socialization begins in the earliest years, such as when kids on a playground teach younger children the norms about taking turns, the rules of a game, or how to shoot a basket. As children grow into teenagers, this process continues. Peer groups are important to adolescents in a new way, as they begin to develop an identity separate from their parents and exert independence. Additionally, peer groups provide their own opportunities for socialization since kids usually engage in different types of activities with their peers than they do with their families. Peer groups provide adolescents' first major socialization experience outside the realm of their families. Interestingly, studies have shown that although friendships rank high in adolescents' priorities, this is balanced by parental influence.

Most U.S. children spend about seven hours a day, 180 days a year, in school, which makes it hard to deny the importance school has on their socialization (U.S. Department of Education 2004). Students are not in school only to study math, reading, science, and other subjects—the

manifest function of this system. Schools also serve a latent function in society by socializing children into behaviors like practicing teamwork, following a schedule, and using textbooks.

School and classroom rituals, led by teachers serving as role models and leaders, regularly reinforce what society expects from children. Sociologists describe this aspect of schools as the hidden curriculum, the informal teaching done by schools. For example, in the United States, schools have built a sense of competition into the way grades are awarded and the way teachers evaluate students (Bowles and Gintis 1976). When children participate in a relay race or a math contest, they learn there are winners and losers in society. When children are required to work together on a project, they practice teamwork with other people in cooperative situations. The hidden curriculum prepares children for the adult world. Children learn how to deal with bureaucracy, rules, expectations, waiting their turn, and sitting still for hours during the day. Schools in different cultures socialize children differently in order to prepare them to function well in those cultures. The latent functions of teamwork and dealing with bureaucracy are features of U.S. culture.

Schools also socialize children by teaching them about citizenship and national pride. In the United States, children are taught to say the Pledge of Allegiance. Most districts require classes about U.S. history and geography. As academic understanding of history evolves, textbooks in the United States have been scrutinized and revised to update attitudes toward other cultures as well as perspectives on historical events; thus, children are socialized to a different national or world history than earlier textbooks may have done. For example, information about the mistreatment of African Americans and Native American Indians more accurately reflects those events than in textbooks of the past.

The Workplace

Just as children spend much of their day at school, many U.S. adults at some point invest a significant amount of time at a place of employment. Although socialized into their culture since birth, workers require new socialization into a workplace, in terms of both material culture (such as how to operate the copy machine) and nonmaterial culture (such as whether it's okay to speak directly to the boss or how to share the refrigerator).

Different jobs require different types of socialization. In the past, many people worked a single job until retirement. Today, the trend is to switch jobs at least once a decade. Between the ages of eighteen and forty-six, the average baby boomer of the younger set held 11.3 different jobs (U.S. Bureau of Labor Statistics, 2014). This means that people must become socialized to, and socialized by, a variety of work environments.

Religion

While some religions are informal institutions, here we focus on practices followed by formal institutions. Religion is an important avenue of socialization for many people. The United States is full of synagogues, temples, churches, mosques, and similar religious communities where

people gather to worship and learn. Like other institutions, these places teach participants how to interact with the religion’s material culture (like a mezuzah, a prayer rug, or a communion wafer). For some people, important ceremonies related to family structure—like marriage and birth—are connected to religious celebrations. Many religious institutions also uphold gender norms and contribute to their enforcement through socialization. From ceremonial rites of passage that reinforce the family unit to power dynamics that reinforce gender roles, organized religion fosters a shared set of socialized values that are passed on through society.

Government

Although we do not think about it, many of the rites of passage people go through today are based on age norms established by the government. To be defined as an “adult” usually means being eighteen years old, the age at which a person becomes legally responsible for him- or herself. And sixty-five years old is the start of “old age” since most people become eligible for senior benefits at that point.

Each time we embark on one of these new categories—senior, adult, taxpayer—we must be socialized into our new role. Seniors must learn the ropes of Medicare, Social Security benefits, and senior shopping discounts. When U.S. males turn eighteen, they must register with the Selective Service System within thirty days to be entered into a database for possible military service. These government dictates mark the points at which we require socialization into a new category

Mass Media

Mass media distribute impersonal information to a wide audience, via television, newspapers, radio, and the Internet. With the average person spending over four hours a day in front of the television (and children averaging even more screen time), media greatly influences social norms (Roberts, Foehr, and Rideout 2005). People learn about objects of material culture (like new technology and transportation options), as well as non-material culture—what is true (beliefs), what is important (values), and what is expected (norms).

5.2 - Factors That Make People Different^{xxvi}

Everyone is unique in their own particular way. Some people want to be like the majority in an attempt to fit in, but they are still unique. Some people take use their experiences and their persona in an attempt to create the life they want, which is unique to them. Either way a person’s unique life experiences help shape their world view, and where they fit into that world.

So, what makes people different? We will explore some different aspects of a person’s life that makes them different. While just one thing can make someone unique, if you combine them all together, you will be able to understand just how different one person can be from another.

Experiences

No one has had the same experiences in life. Not one person. Everyone experiences variations in their day, even when they are working at the same place or spending time together. For instance, the author has spent time in an isolated portion of the Country of Uganda with others in a small group has given him a unique set of experiences not many other in the United States may have had. And even those of us in the small group had different experiences while there even though they all did similar duties and activities. Some of the group experienced sadness of the situation and others had hope. Some saw environmental usage as progress and betterment of people's lives, while others saw it as a waste of natural resources with long term consequences. Their previous life experiences shape their current experiences. A person's experiences throughout their entire life are what make a person unique.

Perceptions

The way we view life is not going to match anyone else's view. We may have moments where we perceive the exact same thing, but more often we can view the same event or issue but have a completely different interpretation than the person next to us. Again, this is often shaped by our life experiences and also our personal belief systems.

?

Think About It . . . What's Your Perception?

A person possesses a handmade shirt produced in Uganda they obtained during a visit to the country. When they wear the shirt in the United States to express appreciation and respect for the culture and people of Uganda, the shirt will produce conversation. Some people appreciate the desire to share the accomplishments, struggles, and culture of the Ugandan people, and expand understanding of the region. Others expressed their displeasure when someone who is not black or Ugandan wears the shirt and described it as "culture appropriation" and it is morally inappropriate to wear such a shirt as a non-African. Exact same shirt, worn in the exact same place, but garners different reactions based on the ethnicity of the wearer. The perceptions of different people are based on their knowledge, lack of knowledge, bias, misconceptions, and prejudices. How things are perceived are often framed by our individual experiences.

Beliefs

Our experiences and perceptions in life create your beliefs. What you believe is what you perceive to be true based on what you have experienced in life. Your beliefs about yourself, other people, the world, what's right and wrong, and everything else is never going to match up to another person's beliefs perfectly. Additionally, beliefs can change over time based on new experiences, education, or other factors that affect our lives.

For example, Lee Strobel, a Chicago Tribune reporter was a devout atheist. He pursued a quest to prove Christianity was false but ended up becoming a Christian based on the information he compiled. (1) In contrast, John W. Loftus, a Christian preacher who after decades of belief rejected the Christian teachings and became an atheist. (2) Both men's beliefs changed based on new experiences and perceptions.

Relationships

Relationships have a significant influence over our lives. They influence how we think about ourselves and how we interact with other people. Nobody can say they have the same relationships as anyone else. Even if two people are friends with the same people, the relationships they have with those people are going to differ on some level. Some people connect with others, some don't. Some people share certain beliefs that bind them in a different way. Some people argue with others on insignificant matters, and that has lasting effects on their relationship. The conclusion is that we all have different relationships in our lives. These relationships shape our experiences and make each person a unique individual.

Intelligence

Intelligence stems from many things, including our beliefs, social aptitude, emotional awareness, experiences, genetics, and the health of our brain. Again, this means no two people have the same level or degree of intelligence. This is why it is necessary for people to come together during problem solving situations and "brainstorm" to come to a resolution. By viewing a situation, problem or issue from different intellects can provide unique and often better solutions than when only one person participates.

5.3 - Economics: A Different Justice for Rich and Poor^{xxvii}

Findings on social class differences in crime are less clear than they are for gender or age differences. Arrests statistics and much research indicate that poor people are much more likely than wealthier people to commit street crime. However, some scholars attribute the greater arrests of poor people to social class bias against them. Despite this possibility, most criminologists would probably agree that social class differences in criminal offending are “unmistakable”. Reflecting on this conclusion, one sociologist has even noted, with tongue only partly in cheek, that social scientists know they should not “stroll the streets at night in certain parts of town or even to park there” and that areas of cities that frighten them are “not upper-income neighborhoods” Thus social class does seem to be associated with street crime, with poor individuals doing more than their fair share. Explanations of this relationship center on the effects of poverty, which is said to produce anger, frustration, and economic need and to be associated with a need for respect.

5.4 - Community Power Structure^{xxviii}

The Formal Power Structure

A power structure is an overall system of influence relationships between any individual and every other individual within any selected group of people. A description of a power structure would capture the way in which power or authority is distributed between people within groups such as a government, nation, institution, organization, or a society. Such structures are of interest to various fields, including sociology, government, economics, and business.

A power structure may be formal and intentionally constructed to maximize values like fairness or efficiency, as in a hierarchical organization wherein every entity, except one, is subordinate to a single other entity. Conversely, a power structure may be an informal set of roles, such as those found in a dominance hierarchy in which members of a social group interact, often aggressively, to create a ranking system. A culture that is organized in a dominance hierarchy is a dominator culture, the opposite of an egalitarian culture of partnership. A visible, dominant group or elite that holds power or authority within a power structure is often referred to as being the Establishment. Power structures are fluid, with changes occurring constantly, either slowly or rapidly, evolving or revolutionary, peacefully or violently. The police, courts are considered having formal power within a community.

The Informal Power Structure

With informal authority, this is not something which comes from being nominated to a formal position. This authority is usually bestowed by the people within an organization, i.e. it comes

from below rather than above. Informal authority can be granted for any number of reasons: level of trust; level of expertise; personality; charisma; or characteristics; etc. With informal authority, the holder becomes an informal leader within of an organization. They play a critical role in the effectiveness of the organization, as they may, at times, wield more power than the formal authorities.

5.5 - Analysis of Community Problems^{xxix}

Value System Formation

People are not born with values, so we ask how do people develop their values? The majority of experts conclude there are three periods during which values are developed as we grow. The Imprint period, the Modeling period, and the Socialization period.

The Imprinting period is dominate until approximately age seven. Children absorb everything around them and accept much of it as true, especially when it comes from their parents. Some believe this can form confusion and faith in what you are told during this period can lead to the early formation of trauma and other deep problems. Others believe it is a natural progression of maturation and causes no trauma at all.

The critical component during this period is to learn a sense of right and wrong, good and bad. This is a human construction which we nevertheless often assume would exist even if there were no example for imprinting. This is the primary principal in the Natural Law theory, which indicates there are actions that people instinctively know are wrong, such as murder, rape, or robbery. The Modeling period is approximately between the ages of eight and thirteen. Adolescence imitate other people, sometimes their parents, but also in many cases other people. Rather than complete acceptance of their values and beliefs, they are trying them out in the world to determine how they feel, and in an attempt to find their place with groups within society.

During this age adolescence may become impressed with values or beliefs not imprinted from their parents or guardians. This might include embracing values associated with religion, or teachers, or music stars, or athletes. Think back to junior high years and you may remember being particularly influenced by teacher who seemed so to be so knowledgeable, even more so than your parents. Maybe a political cause, or humanitarian relief beliefs of your favorite singer or actor, and how that may have shaped your sense of right and wrong.

The Socialization period is approximately between the ages of 13 and 21. People are largely influenced by their peers during this time. As we develop as individuals, we look for ways to evaluate the earlier experience, or even challenge the values they had been taught. Determine if the values and beliefs they have been taught are the values they truly believe. Young adults naturally turn to people who seem more like them. They may gravitate toward a certain group, or people who may have differing values and beliefs in order to evaluate their teachings.

Other influences at these ages can include the media, especially those parts which seem to resonate with the values of our peer groups. This can become problematic if a person allows others to dictate how they should believe and what values are acceptable. There are some American media outlet which overtly try to convince people what beliefs are correct, and other outlets take an opposing position and overtly attempt to dictate beliefs. Determining what is truth and what is propaganda is part of the values evaluation process. The Socialization period can be very confusing and differing beliefs and values collide as the person forms the belief system that will be the basis for their value system.

Basic Principle Formation and Development

It's tough to have high moral values and be a principled person. Many people try, many people fail, and some make no attempt. What are principles? How are they formed? how are they utilized? How are they evaluated by society? Generally speaking, the prevailing theory is that there three types of people, Pre-moral, Conventional and Principled.

The pre-moral person has no real values, thus amoral. Young children are pre-moral. Our basic nature drives us to be selfish, Machiavellian, taking whatever steps are required to achieve our goals, including hurting other people. A two-year-old child striking another for a toy. These same traits are displayed in psychopaths as well. A person with psychopathic personality manifests as amoral and antisocial behavior, lacks the ability to love or establish meaningful personal relationships, extreme egocentricity, failure to learn from experience. Sometimes our basic needs drive us to act in ways that help us but may be unhelpful or even harmful to others. Social values (laws) are hence created as a control mechanism to counteract people's tendency to put ourselves before society.

Conventional values are probably the most common within a society. These values are learned from their parents, teachers and peers. Conventional values in essence relate 'these are the rules needed to live in reasonable harmonious relations with other people in society. The core of the conventional value state is that people will follow the rules just so long as they think they need to. People will break their values occasionally, and especially if their needs are threatened. Example; breaking into a store after a major earthquake and stealing food and water. There is argument that people will move away from their values when they are pretty sure they can get away with breaking values and nobody else knowing about it. Example; knowing the police are busy with a major incident and not in the area you are driving, so you drive 40mph over the speed limit. When is a person truly principled? Values to the point where they are an integral and subconscious part of a person. Right and wrong are absolute things beyond the individual person.

Principles are, in fact powerful drivers of how we think and behave. They direct people in what is good and bad, right and wrong. They tell us they should do's, the should not do's, and shall not do's of life. They also help us decide which principle is more or less important than other principles. Principles help people make decisions. When we are evaluating intent and choosing

from alternatives, our principles tell us an action might help us reach our goals, however it would be socially unacceptable, thus choose not to do it. Principles help people decide what is necessary, as values often conflict with one another.

Being principled is a very powerful and effective method of influence. If person or group can understand how a specific groups values develop, then they can guide the process. This concept has been well understood by totalitarian governments throughout the world. The totalitarian government will utilize the education system and re-educate or brainwash children in their ideals. The student is indoctrinated into a belief system and not allowed to believe differently or face punishment, including separation from the social collective. There is a disputed saying (Greek Philosopher Aristotle or Jesuit Priest Ignatius Loyola): "Give me the child for the first seven years and I will give you the man." This is a chilling description of shaping people's values, thus their core principles for a specific goal of society or a group. The principles can be for good, such as helping the poor and teaching people to be self-sufficient, or for evil like with Revolutionary Marxism and Nazi Fascism.

A principled person is truly put to the test when their principles are put to the test. Will they will stick to their values through adversity and hardship, and even will sacrifice themselves rather than break their principles. Many great leaders were principled like Martin Luther King and Gandhi. They were prepared to sacrifice their lives, rather than deviate from the path their principles were leading them. To be a principled person doesn't mean you have to sacrifice yourself in a noble cause, it can far more simplistic. Consistency is an additional element in being a person who lives by principle. For example; if you are a person who is a firm believer in the First Amendment of the United States Constitution, which states in part "It guarantees freedom of expression by prohibiting Congress from restricting the press or the rights of individuals to speak freely." You have a steadfast principle that the government should not be allowed to stifle an individual citizen voice. That principle should be adhered to no matter the speaker.

Jemele Hill, a commentator for ESPN (sports network) and American citizen stated she believed President Trump was a white supremacist, and that his supporters had the benefit of white privilege to distance themselves from certain issues. President Trump responded by saying "with Jemele Hill at the mic, it is no wonder ESPN ratings have tanked". Additionally, the White House released a statement indicating "the most outrageous comment that anyone could make and certainly something that they think is a fire-able offense by ESPN." President Trump placed the full weight of the executive branch behind condemning a citizen from exercising her constitutionally protected rights of free speech and attempted to pressure her employer to terminate her employment.

Basseley Nakoula, an American citizen completed a low budget film titled "Innocent of Muslims" in which he portrayed the Muslim Prophet Mohammed in such a way as it would be offensive to Muslims. The film was falsely portrayed by the Obama Administration as the catalyst for the death of four Americans in Benghazi, Libya. President Obama condemned Basseley Nakoula by saying "you have a video that was released by somebody who lives in the

United States, a shadowy character who made an extremely offensive video directed at the prophet Mohammed and Islam which led to protest”. Additionally, according to Charles Wood, father of a United States Navy SEAL killed in Benghazi, United States Secretary of State Hillary Clinton told him “we will make sure that the person who made the film is arrested and prosecuted.” President Obama placed the full weight and authority of the executive branch behind falsely condemning Nakoula of causing protest, which led to the death of four American citizens, when he was solely exercising his constitutionally protected right of free speech by making the film.

As a person who has a strong principle grounded in the First Amendment, it should not matter your political affiliation, your position on either President as an ethical person, or on your support for the positions of Hill or Nakoula. You would be opposed to what both Presidents did by aggressively attempting to punish an American citizen for exercising the rights guaranteed by the constitution.

Evaluating Significant Emotional Controls

Law Enforcement

Policing is universally recognized as one of the most stressful occupations a person can choose. A significant source of stress for this population is the constant risk of being exposed to traumatic events, a burden that far exceeds that of the average citizen. Although the officers may not encounter such events on a daily basis, a police officer always faces the threats which are mostly unpredictable and random. The threat of tragic, violent, and dangerous, situations, which appear suddenly can leave emotional and psychological scars. The officer’s status as law enforcer, problem solver, peacekeepers and rescuers expose them to repeated instances of psychological trauma, which can disrupt an officers functioning and interfere with their personal and professional life.

The officers experience from exposure to such traumatic events is concerning for many reasons. Policing is a highly stressful occupation, and the daily stress of the job may interfere with an officer’s ability to cope with the traumatic event. Because of this, the process of healing may utilize the officers mental and emotional energy, leaving few mental resources available for proper and expected safe job performance. Many other trauma victims are able to avoid the types of situations which led to their traumatic events. Police officers are unable to avoid future situations similar to the traumatic event. They are susceptible to re-victimization, compounding the ability to fully recover. Repressed reactions may be delayed weeks, months or even years in an officer who may appear to be functioning appropriately. Many times, these reactions precipitated by new stress that accumulate on an already taxed mind and body.

Officers often report that the daily stresses of police work, organizational structure, shift work, and lack of support contribute more to the chronic stress they experience than does the danger associated with actual field police work, the impact of traumatic events can be much more mentally and physically damaging. This is, due to the infrequency of such events relative to

daily stresses. The impact on officers can be much more unexpected and harder to handle. In many psychological critical incidents, it is the reliance of self-reported symptoms, many of which the officers might not even be aware of. Officers are prone to underestimate the magnitude of their distress, particularly when it might impact their job duties. This is why it is incumbent on police management to ensure an officer involved in a critical incident is properly evaluated. This is important for the officer's health, and ability to perform their required job functions, but for the safety of the public as well.

Officers response to a horrific event can be quite different. Cognitive appraisals are defined as "the ways in which individuals construe stressful or traumatic events in terms of their personal significance and meaning." People in general, and officers specifically will assess a situation with respect to their own well-being (primary appraisals) as well as their ability to psychologically deal with the situation (secondary appraisals). These appraisals can be influenced by stable personality characteristics, such as optimism versus pessimism and controlled ego. Additionally, learned behavior patterns, such as coping style, and more incident specific perceptions like perceived supports.

Appraisals reflect the amount or significance of damage sustained in a trauma. For an officer, this may include physical injury from being attacked, psychological pain such from losing a fellow officer or not being able to save someone. When an officer dismisses the mental component of a critical incident, they risk developing a passive form of coping, such as avoidance, fatalism or unrealistic thinking. Rather a more effective method of cognitive processing is crucial in dealing with trauma, such as critical incident debriefings, mandatory psychological evaluation and monitoring by supervisory personnel.

Threat appraisals, which refer to some anticipated harm or loss, reflect the often uncertain and unpredictable nature of policing. The uncertainty of many situations requires a cautious and skeptical approach from officers, and the heightened awareness that results from such situations can help to prepare an officer for action. However, an increase in emotional stress that is too great may distract the officer and may actually hinder information processing and the ability to act. Studies found that officers with self-reported symptoms of PTSD after being involved in a critical incident, were more likely to make statements reflecting vulnerability or threat than were those without such symptoms.

Perceived control is the officer's assessment of his or her ability to influence their surroundings in order to bring about desired outcomes. Perception of control has a powerful influence on people's ability to cope successfully with stressful situations. Police work is a total paradox of control. The officer's role is granted considerable authority and control over others by society. Additionally, police officers encounter numerous events that are beyond their control, such as the unpredictability of a traffic stop to the unyielding nature of departmental policies. Because of the control conflict, officers often experience considerable incongruence as they attempt to understand the stressful events that seem to be beyond their control. The more uncontrollable or unpredictable an event is perceived, the greater the risk of developing post traumatic symptoms. Studies have indicated when officers who maintain an internal source of control

and who appraise events as being within their ability to control exhibit less psychological distress than do those who maintain an external source of control.

Policing is a field that requires complicated, delicate, and often immediate decision making that can have dreadful and far-reaching consequences. As such, officers may give meaning to a critical incident depending on how well they were able to manage the difficult situation. An officer who reflects positively on his or her handling of a situation most likely will believe that he or she can manage future situations appropriately and will experience less distress over traumatic events than one who is completely overwhelmed with self-doubt and anxiety. However, police officers faced with repeated critical incidents may start to second guess their actions for the negative outcomes and, consequently, may begin to doubt their adequacy as law enforcement officers. Such attributions of self-blame in response to negative response from the media, or public from a critical incident can hinder adjustment, as they can lead to a perception of hopelessness. To mitigate negative emotional pressure on officers, executive management should have a clear and legally factual response to negative responses. If the actions of the officers conformed to current legal standards and department policy, executive management has moral and ethical obligation to be support the officer's actions regardless of political considerations.

Communities

The criminal justice system's purpose is to deter crime, punish those who break the law and to keep citizens safe. However, some research indicates people of color are treated unfairly which leads to negative perceptions of police officers within that community. The murder of ten police officers in New York City, Baton Rouge and Dallas by black men have exposed many non-minority individuals and their families to incidents of alleged police brutality, which led to the retaliatory actions by the murders. While any rational clear-thinking person can denounce the actions of the murders, the incidents reinforce the need for society to work on improving police and community relations.

Many people have witnessed the aforementioned traumatic incidents through social media and television. The perceived violence witnessed towards people of color from police continues to damage perceptions of law enforcement and the violent actions of some in the minority community further negative stereotypes involving people of color. One study published in the American Journal of Public Health reported that 85% of the participants reported being stopped at least once in their lifetime and 78% had no history of criminal activity. The study also found that people who reported more invasive police interaction experienced increased anxiety symptoms. Furthermore, those who reported fair treatment during encounters with law enforcement reported less anxiety.

Researchers have noted the impact of perceived and actual discrimination and racism on the psychological health of communities of color. People can develop increased vigilance and suspicion of social institutions, and only trusting persons within their social and family relationship. They can have an increased sensitivity to threat, taking defensive postures,

avoiding others not in their social group, over sensitivity to perceived disrespect, or avoid taking risks beyond the social sphere of influence.

Unresolved perceived or actual traumas increase chronic stress and decrease immune system functioning, increasing the risks for depression and anxiety disorders. This can increase drugs and alcohol use in managing perceived or real pain and increases the danger of unresolved trauma leading to substance abuse. Those dependent on substances to dull the trauma of perceived repressive actions of the police can develop increased aggression. This could lead to defiant behavior, domestic violence, street violence, gang involvement, inflated sense of toughness, which can be a way to control social and physical environments. All, which in probability will lead to more negative interaction with police, propagating the perceived oppressive and bigoted actions of the police.



Act It Out! “Communicating Across Cultures”- The Task

The idea behind this exercise is for you to get to know one another’s cultural identities. First, form into groups of three and find out from each other what your cultural/ethnic backgrounds are. Then “interview” one another using the questions below to get as much detail as possible about the culture of your group members. We’ll ask you to report back to the class what you have learned.

Concrete Expressions

1. What are typical foods served in the culture?
2. Are there any typical styles of dress?
3. What do people do for recreation?
4. Do buildings have identifiable features?
5. How is public space used? For example, do people tend to “hang out” on the street, or are they in public because they are going from one place to the next?

Recognized Behaviors

1. How do people greet one another?
2. Describe how a holiday is celebrated.
3. How would a visitor be welcomed to someone’s home?
4. What are the norms around weddings? births? deaths?

Explicit Beliefs

1. How important is hierarchy?
2. How are gender roles perceived?
3. How do people view obligations toward one another?
4. What personal activities are seen as public? What activities are seen as private?
5. What are the cultural attitudes toward aging and the elderly?

Deeply Embedded Beliefs

1. How important is the individual in the culture? How important is the group?
2. How is space used (e.g., how close should two people who are social acquaintances stand next to one another when they are having a conversation?)
3. How is time understood and measured? (e.g., how late can you be to a business appointment before you are considered rude?)
4. Is change considered positive or negative?
5. What are the criteria for individual success?
6. What is the relationship between humans and nature? (e.g., do humans dominate nature? does nature dominate humans? do the two live in harmony?)
7. How is divine power viewed in relation to human effort?
8. Is the culture a high-context or low-context one?
9. What is humorous?
10. How do individuals “know” things? (e.g., are people encouraged to question things? are they encouraged to master accepted wisdom?)
11. Are people encouraged to be more action-oriented or to be more contemplative?
12. What is the role of luck in people’s lives?

Chapter 6 – Policing and Policed Community

Key Learning Objectives:

- Identify the issues and importance of law enforcement department hiring a diverse police force.
- Explain how a diverse police force provides improved understanding of different cultures and better relations with the community they serve.
- Be able to explain the issues of racial profiling.
- Identify how community policing can improve the relationship between law enforcement and the community

6.1 - Ethnic, Racial and Minority Issues within the Workforce of a Law Enforcement Agency^{xxx}

The role of policing has been dynamic since it became a profession in 1829 under Sir Robert Peel in London, England. The relationship between police and citizens in American society is generally understood as a progression from the *political era*, when police were introduced in American cities in the 1840s to the early 1900s; to the *reform era*, stretching across the middle part of the 20th century from the 1930s to the 1970s; and then to the *community era* of modern policing since the 1970s. Williams and Murphy point out the lack of involvement of minorities in policing throughout these different eras. Communities of color were largely powerless during the political era and thus not able to influence police strategy. During the reform era, police strategy was determined largely on the basis of law, although communities of color were generally unprotected. In today's community era of policing, one of the tenets is the requirement for a cohesive community working in partnership with a responsive police department. Williams and Murphy state that this precondition does not prevail in many minority neighborhoods.

The modern police departments have forums and work closely with racial and ethnic police organizations, including the Hispanic American Police Command Officers Association, National Asian Peace Officers Association, National Black Police Officers Association, National Latino Peace Officers Association, National Native American Law Enforcement Association, and National Organization of Black Law Enforcement Executives. These focused on the relationship between minority citizens and police. Additionally, they focus on addressing concerns of rank and file minority officers.

6.2 - Recruitment, Retention, and Promotion of a Diverse Work Force^{xxxix}

Bringing the right type of people into law enforcement is another major aspect of any effort to improve the police profession and address the violence issue. Most discussions of police reform have touched on the importance of recruitment and selection as a long-term strategy for improvement. Although this may be obvious, they are difficult problems in and of themselves and, in addition, also a source of conflict between the police and the community.

The source of conflict is disagreement over what type of person is best able to handle the responsibilities of a police officer. One continuing debate is the amount and type of education appropriate for a police officer. Another debate involves the police agency's racial make-up. While there is general agreement on the need for a police department to reflect the make-up of the community it serves, there is considerable disagreement on how that balance should be attained. The courts have put to rest some of the physical requirements thought to be important for the police for so many years. But the question of the psychological make-up of an officer--and how it should be measured--has yet to be resolved.



Figure 6.1 2019 [Cultural Parade by the National Parks Service](#). Image is in the Public Domain

Although there is a wide range of opinion on what type of person is best suited to handle the rigors of the job, three factors are considered vital in terms of violence between the police and community. These factors should be incorporated into the overall process of recruiting and selecting police officers:

- The department should have a ratio of employees of color and national origin that reflects the diversity of the community it serves.
- Continued emphasis should be placed on bringing into law enforcement people reflecting a variety of college disciplines.
- Individuals should be psychologically suited to handle the requirements of the job.

Recruitment

Once an agency decides what type of individual it wants as an officer, it needs to develop a recruitment plan. Many departments limit their recruiting efforts to local newspaper advertisements when positions are open. This method will usually produce a pool of applicants. However, the type of individual sought may not respond to newspaper advertisements.



Figure 6.2 Agencies often use advertising campaigns to attract new recruits to fill vacancies. Image is in the Public Domain

Law Enforcement selection criteria is extremely rigid and only 1 or 2 out of every 10 applicants will survive the entire process and be offered a position. According to the California Highway Patrol 90-95% of applicants are not successful in the hiring process. One could also make a convincing argument that recruitment efforts are not very effective if 8 or 9 of 10 applicants cannot survive the recruiting process. Perhaps the effort devoted to processing applicants unsuited to becoming police officers could be redirected to recruiting the right type of applicant. The point here is that the recruiting method should be carefully designed to attract the type of applicant desired.

Law enforcement agencies use a variety of approaches to recruit applicants. Some send recruiting teams to "career days" on college campuses, while others send recruiters to various cities to look for experienced police officers. Still others concentrate recruiting resources on their immediate geographic area. Many departments have made use of the local news media through feature stories, public service announcements, and Internet job postings. Some have also used business and corporate assistance to develop brochures that provide accurate information about what the department offers. An agency may need to circulate its recruitment announcements using a number of methods, such as sending them to a diverse group of community leaders, setting up a table at community meetings, shopping malls, schools, colleges, and community gathering places.

A factor that has an immense impact but is often not addressed effectively in recruiting plans is the influence of existing members of the police organization. Negative attitudes of individual officers about their job and the department may cause potential applicants to look elsewhere for employment. On the other hand, positive attitudes may exist for the wrong reasons—for example, because the department has an image as a place for "macho," TV-style cops.

Therefore, it is important that the recruiting plan and its underlying rationale be shared with all employees, so they have a clear understanding of the department's objectives. Employees can serve as excellent recruiters if they know these objectives and appreciate the critical importance of their jobs. Employees can also better discuss some of those issues often put forth as impediments to attracting high quality applicants. For example, they can speak directly to issues such as low pay and the difficulties of shift work. They are in the best position to talk about positive as well as negative aspects of a police career.

The objective of a recruiting program should be to attract a large enough pool of desirable applicants to fill department vacancies. This does not mean that the only measure of the recruiting effort should be the number of people who complete employment applications. If a department needs a higher ratio of employees from different racial and ethnic groups to reflect the community, and the only people completing applications are not from desired groups or do not meet basic requirements, then the objective is obviously not being met. The recruiting plan must contain relevant and measurable objectives that are monitored to ensure every effort is being made to meet them.

Selection

After an individual has expressed an interest in becoming a police officer, most departments begin a process that involves a series of steps designed to aid in making the selection decision. The selection process continues to receive a great deal of attention. Arbitrary selection standards that were common in the past have been eliminated by courts and other actions. Further research should be conducted by the human resources department of a police department to establish a sound selection process.

The close examination of this process has underscored its importance. It has also helped focus attention on developing a better understanding of the police officer's job and on including steps that measure whether a candidate has the potential for meeting those requirements. Even with these improvements, a number of selection issues have continued to generate considerable controversy. Two of these, educational requirements and psychological screening, are measures believed to have potential for reducing violence between the police and community. However, these alternatives obviously would take years to change the make-up of a department. In many departments, psychological screening and educational requirements cannot be imposed upon individuals currently employed.

Educational issues have been a long-standing topic of discussion in law enforcement circles. As early as 1931, the Wickersham Commission report noted the need for higher levels of education. The President's Commission on Law Enforcement and the Administration of Justice recommended in its *Police* task force report that officers should have a minimum of two years of college and supervisors and administrators should have four years. The National Commission on Police Standards and Goals established a standard in its *Police* report, published in 1973, that by 1983 a basic entry-level requirement should be a baccalaureate degree from an accredited college or university. It is now thought that a diversity of degrees is preferable to only criminal justice degrees to avoid similarity of thinking among officers and to avoid limiting the broad experience required for an effective law enforcement agency.

These reports were followed by many other calls for similar requirements, but the reality has been that few departments have actually made any changes in entry-level educational requirements. Many believe that an entry-level requirement of a bachelors' degree would go a long way towards addressing a number of problems in law enforcement, including violence between police and the community. Others recognize the practical challenges of requiring a bachelor's degree for an entry level police position and suggest other solutions; such as education incentives once an officer is hired to address the violent encounters between police and the community.

The psychological fitness of police officers is also of major importance in addressing the violence issue. A police officer has considerable discretion in the manner in which day-to-day responsibilities are fulfilled. This discretion extends to the use of force. One method to improve the prediction of whether an individual is able to handle police responsibilities is psychological evaluation. Although many departments do not use psychological screening in the selection process, the Commission on Accreditation for Law Enforcement Agencies has established the following as a mandatory standard for all agencies:

- An emotional stability and psychological fitness examination of each candidate is conducted, prior to appointment to probationary status, using valid, useful, and nondiscriminatory procedures.
- *Commentary:* Law enforcement work is highly stressful and places officers in positions and situations of heavy responsibility. Psychiatric and psychological

assessments are needed to screen out candidates who might not be able to carry out their responsibilities or endure the stress of the working conditions.

The importance that the Commission on Accreditation has placed on this area by making it a mandatory standard is obvious. Emotionally stable law enforcement officers are better equipped to navigate the emotional and psychological challenges which they will face.

6.3 - Police Knowledge of Cultural Groups^{xxxii}

The tragic death of Jonathan Ferrell former Florida A&M University football player underscores the tension between culturally diverse citizens and the law enforcement professionals that serve their communities. Throughout, this study the term “culturally diverse” refers to individuals, groups, and communities that represent racial, ethnic, gender, cultural, and sexual orientation-based classifications of citizens. The terms “law enforcement” and “police” are both used to refer to agencies, individuals, and organizations that perform policing duties.

According to the Associated Press (2014), “police say that Ferrell wrecked his car and went to a nearby house and banged on the door, apparently for help. The resident called police, and three officers responded. Investigators say Kerrick fired 12 shots, 10 of which hit Ferrell. Kerrick was the only officer who fired his gun.” Many have questioned the actions of police officer Randall W. Kerrick and investigators are trying to determine if race played a role in the incident. Jonathan Ferrell was a young African American male, and Randall W. Kerrick is a Caucasian police officer. The implications behind these incident and similar situations are clear for both police officers and citizens. Police officers are expected to effectively serve communities while engaging in safe interactions with citizens from all ethnic and cultural backgrounds. Citizens expect to receive fair, equitable, and safe law enforcement services from policing organizations without fear of excessive force, racial discrimination, and brutality.

This is the intersection where cultural competence and law enforcement meet. Law enforcement professionals that possess cultural awareness better understand the needs of citizens and exhibit actions that take into account the cultural context of their interactions with citizens. The Jonathan Ferrell incident illustrates the significance of cultural competency in law enforcement. In this situation it appears that a number of assumptions were made on behalf of the citizens involved in the incident, and on behalf of the officers responding to the scene. First, the citizen who called the police assumed that the young black man banging on her door was attempting to burglarize her home. Second, police responding to a citizens’ call for help lead to assumptions about the intent of Jonathan Ferrell and his actions. Last, Jonathan Ferrell assumed that police officers were responding to the scene to assist him in his disoriented state. Unfortunately, it is often difficult to determine if the actions of police officers are racially motivated. However, leadership within police departments can enforce policies that promote culturally competent behaviors, and attitudes. All public service professionals should be trained to respond appropriately in cross-cultural situations, this may frequently involve developing increased cultural awareness and sensitivity when dealing with culturally diverse citizens. Policy

development in this area is particularly important to assist officers better serve a diverse community.

Cultural Competency

Developing the cultural competency of service delivery professionals has existed as a primary emphasis of research in the fields of healthcare, social work, child welfare, and psychology since the 1980's. Cultural competency is a set of congruent behaviors, attitudes and policies that come together in a system, agency or professional and enable that system, agency or professional to work effectively in cross-cultural situations. In the public sector cultural competency is specifically concerned with an organizations commitment to institutionalizing the policies and practices that lead to culturally competent behaviors, and interactions with the public.

According to Mitchell F. Rice (2008), cultural competency is best operationally defined as the integration and transformation of knowledge about individuals and groups of people into specific standards, policies, practices, and attitudes used in appropriate cultural settings to increase the quality of services, thereby producing better outcomes. In the Jonathan Ferrell case, the police officer may have acted based upon the standards, polices, and practices currently accepted within the police department. As illustrated by these incident and numerous others, however, such actions make citizens question why excessive force is disproportionately used against people from culturally diverse groups. Unfortunately, for law enforcement agencies and governments throughout the United States these questions make organizations more susceptible to lawsuits, and accusations of racial discrimination.

This speaks to the importance of developing and institutionalizing culturally competent policies that guide the attitudes and behaviors of police officers interacting with citizens from culturally diverse groups. Institutionalization means that knowledge is formally recognized, documented, and shared in interactive ways with all public service delivery personnel and that five explicit mechanisms and policies are in place that provide for maintaining and expanding on the professional knowledge base about culture, so that the public agency is truly a learning organization. In the organizational setting this form of institutionalization is often represented by organization 1). mission statements, 2) human resource policies, 3). organization goals/strategic plans, 4). public communications, and 5). other formally documented polices. Therefore, organization leaders and law enforcement professionals that recognize the importance of cultural competency can begin assessing internal cultural competency levels by identifying and reviewing the documented policies that currently exist within their organizations.

Law enforcement professionals encounter individuals living in diverse multicultural communities on a daily basis. As the demographics of these communities increase in culturally diverse populations it becomes significantly important for law enforcement professionals to possess the cultural competency, knowledge, and skills necessary to perform their jobs.



Think about it . . . Understanding Prejudice

Understanding Prejudice.org is a great way to explore biases and how discrimination looks in the real world. Take this quiz to explore your hidden biases. How did this quiz make you feel? Why?

6.4 - Racial Profiling^{xxxiii}

The challenge for police in multi-ethnic, liberal, democratic societies is to find the correct balance among the public goods at stake. They must enforce the law but also maintain racial and ethnic peace. These goals are incompatible to some extent. Enforcing the law may disrupt the peace. Keeping the peace may require forgoing opportunities to prevent crime or apprehend criminals.

The practice of racial profiling illustrates the tradeoff. In the past police defend the practice as an essential law enforcement tool needed to help identify potential drug couriers, terrorists, and other criminal types. More generally, they use race/ethnic appearance as one of several cues to suspect that something is amiss and that an investigation would be appropriate. A black male walking in an all-white neighborhood or in a deserted industrial park late at night, or driving an expensive new car, are common scenarios that traditionally have prompted police inquiries.

Such interventions undoubtedly prevent some crimes. But they also have high costs. They produce deep resentments and alienation among minorities who are repeatedly stopped and questioned by the police. They divide the community and undermine racial peace. Over time, they build up and explode in race riots or cheers from the black community for people like O.J. Simpson when they beat the system.

Law enforcement profiling is inappropriate when race or some other sociological factor, such as gender, sexual orientation, or religion is used as the sole criterion for taking law enforcement actions. Profiling that singles out members of the community for no reason other than their race is discriminatory and provides no legitimate basis for police action and has serious consequences. "Whether intentional or unintentional, the application of bias in policing tilts the scales of justice and results in unequal treatment under the law," writes Ronald L. Davis, the author of a study on bias-based policing for the National



Figure 6.2 Stop [Racial Profiling](#). Image is used under a [CC-BY-NC 2.0](#) license.

Organization of Black Law Enforcement Executives (NOBLE). Allegations of racial profiling and other bias-based policing activities, particularly traffic stops and random searches, have become national issues, as the escalating coverage in the media shows. There have also been legislative proposals at the state and national level addressing racial profiling, along with lawsuits brought by civil rights organizations and the U.S. Department of Justice.

Racial profiling erodes the necessary trust between law enforcement officials and the communities they serve. There is also the collateral damage of police recruitment of minorities being made more difficult and minorities becoming less willing to participate in the criminal justice process. The use of objective factors indicating potential criminal activity as a basis for making traffic stops may be a legitimate and effective law enforcement tool. However, inappropriate profiling impairs law enforcement's abilities. Furthermore, the use of race as the sole criterion for making traffic stops is legally and morally wrong. Discriminatory traffic stops divide communities and make police and prosecutors' jobs more difficult.

One way to address this issue is with a defined set of department values that are the basis of the department's policies, and practices. Law enforcement officials have to monitor and manage the discretion exercised by their officers to ensure their actions are guided by values and principles that gives preeminence to the civil rights of citizens.

Racial profiling imposes on the basic freedoms granted in a democratic society. For many in the minority community, racial profiling is an old phenomenon with a new name. A common response to racial profiling is the development of policies that declare racial profiling illegal, limit officer discretion in the area of traffic stops, and mandate training in cultural diversity.

These measures are a necessary first step, but alone they cannot reduce bias in an organization. Symptoms will resurface and appear in other areas, such as walking stops, the use of force,

police misconduct, minority officer recruitment, retention and promotion. Racial profiling is not the standalone problem; it is a symptom of bias-based policing.

Police departments and communities can avoid debilitating accusations of racial profiling by communicating with each other about police strategy, crime trends, and community concerns. In a response to the aftermath of the fatal shooting of Amadou Diallo by New York City police in 1999, George Kelling writes:

Police increasingly rely on analysis of crime data, mapping and other methods to develop tactics for addressing specific problems. When they discover that guns are the primary instruments of murder in black neighborhoods, is it racial profiling or smart policing to target anti-gun efforts there?"

Resolutions to these issues are possible, but not easy. They involve balancing individual rights with community interests, effectiveness with costs, and the tradeoffs among important values...Police and neighborhood leaders will have to seek each other out aggressively and honestly!

6.5 - Community- Based Policing Plans^{xxxiv}

Community policing is a policing approach embraced by some departments and espoused by national law enforcement organizations. It is described as a philosophy, managerial style, and organizational strategy that promotes better police-community partnerships and more proactive problem solving with the community. It can help solve a wide range of community problems and issues involving crime control, crime prevention, officer safety, and the fear of crime.

Community policing is referred to by several names, most commonly as community-oriented policing, problem-oriented policing, community problem solving, neighborhood policing, and problem-based policing. Community policing is based on collaboration between police and citizens in a nonthreatening and cooperative spirit. It requires that police listen to citizens, take seriously how citizens perceive problems and issues, and seek to solve problems which have been identified. "A fundamental assumption of the community policing approach is that the community is more likely than the police to recognize and understand its public safety needs," states researchers Vincent J. Webb and Charles M. Katz. Effective community policing can result in enhanced quality of life in neighborhoods, reduction of fear of crime, greater respect for law and order, increased crime control and crime prevention, and greater citizen satisfaction with police services.



COPS

Community Oriented Policing Services
U.S. Department of Justice

Figure 6.3 [Image](#) is in the public domain.



Pin It! COPS

Click [here](#) for more information on the department of Justice's Community Oriented Policing Services.

While community policing continues to evolve, current research shows that it results in improved safety for both residents and police, neighborhood revitalization, positive neighborhood and police morale and confidence, heightened confidence in government institutions, including police, and improved race relations. Community policing has been shown to decrease actual criminal activity and reduced fear of crime. As one resident of Chicago said, "When you have a sense of camaraderie and cooperation between beat officers and community residents you lose the sense of fear." However, law enforcement executives should be aware that "community perceptions of the potential effectiveness of community policing may determine how residents rate the importance of community policing activities carried out by the police," according to Webb and Katz. In fact, they state some community policing activities may be viewed as unimportant to the community, while others, such as investigations of drug and gang-related activities, may have broad community support.

Reports on public support for community policing has been generally favorable. "In general, the findings show that 'preventative' community policing activities, or those usually considered as having an indirect effect on crime, are regarded by the community as being less important than 'enforcement' activities, or policing activities thought of as having a more direct effect on crime." Police executives may need to explain to communities that community policing programs--like all other policing programs--are enforcement oriented. The difference with community policing programs is an intentional focus on community interaction with the department

In Madison, Wisconsin, police officers and community volunteers conducted surveys of police activities and police efforts to resolve neighborhood problems. The Madison Police Department

found that "as the officers completed the questionnaire with the participants, the respondents gave information to the officers about the quality of life and social order issues whereas the other volunteers who were not officers, those issues rarely emerged." In the Madison interviews, participants reported a wide variety of concerns to police officers:

...a greater concern that children would be hurt while playing in their neighborhood; less satisfaction with their neighborhood as a place to live; parking, public drinking and intoxication, gang activity and graffiti as more of a problem; drug sales, drug usage, drug addiction, possession of guns and weapons, violence, fighting and assaults all to be more of a problem; more negative assessments of the effectiveness of rental property owners and managers in dealing with neighborhood problems, and of the extent to which residents were organized and committed to improving neighborhood conditions. Community policing represents a continuation of the established traditions of policing in the United States. It flows from three essential values:

- The police department believes that the prevention of crimes is its number one priority.
- The police department involves the community in the delivery of its services.
- The police department holds itself accountable to the community it serves.

Underlying principles of community policing

1. Crime prevention is the responsibility of the total community.
2. The police and the community share ownership, responsibility, and accountability for the prevention of crime.
3. Police effectiveness is a function of crime control, crime prevention, problem solving, community satisfaction, quality of life, and community engagement.
4. Mutual trust between the police and the community is essential for effective policing.
5. Crime prevention must be a flexible, long-term strategy in which the police and community collectively commit to resolving the complex and chronic causes of crime.
6. Community policing requires knowledge, access, and mobilization of community resources.
7. Community policing can only succeed when top management police and government officials enthusiastically support its principles and tenets.
8. Community policing depends on decentralized, community-based participation in decision-making.
9. Community policing allocates resources and services, based on analysis, identification, and projection of patterns and trends, rather than incidents.
10. problem analysis and problem solving, facilitation, community organization; communication, mediation and conflict resolution, resource identification and use, networking and linkages, and cross-cultural competency.

?

Think about it . . . "Recognizing Your Own Biases"

One advantage of a stereotype is that it enables us to respond rapidly to situations because we may have had a similar experience before.

One disadvantage is that it makes us ignore differences between individuals; therefore, we think things about people that might not be true (i.e. generalize).

1. Explore these test sites: [Harvard – Implicit Bias](#) and [UpWorthy Prejudice Test](#). There are multiple tests you can take regarding many types of bias, such as ethnicity, skin tone, body type, ect. Choose 2-3 tests.
2. Discuss the outcome of the tests.
 - Which tests did you take and why?
 - What surprised you most about the test?
 - Did you feel the test was accurate? Why or why not?
 - Knowing this information, how would you address it when you *come into contact* with a person with the trait?

Chapter 7 – Courts and Community

Key Learning Objectives:

- Be able to explain and define the Rule of Law, including the important cases that has shaped the United State legal system.
- Explain the development of the United States court system and the jury system.
- Be able to understand and define key court terms such as due process, the adversarial system, and common law.
- Explain the unique concept of community courts and how they improve the court process.
- Identify the specific concerns of race and its impact on the court system.

7.1 – Rule of Law^{xxxv}

The rule of law suggests that the creation of laws, their enforcement, and the relationships among legal rules are legally regulated, so that no one, including highly placed individuals are above the law. The legal constraint on those in charge means that government officials are subject to existing laws as much as its citizens are. Rule of Law is based on the belief of equality before the law, which holds that no person shall enjoy legal privileges that are not extended to all, and that no person shall be immune from legal consequences for criminal behavior.

In addition, the application and adjudication of legal rules by the police, prosecutors and the courts are to be impartial and consistent across equivalent cases. The evidence should be weighted blindly without taking into consideration the class, status, or relative power among those involved in civil or criminal matters. In order for those principles to have any real application, there should be in place legal apparatus for compelling government officials to submit to the law.

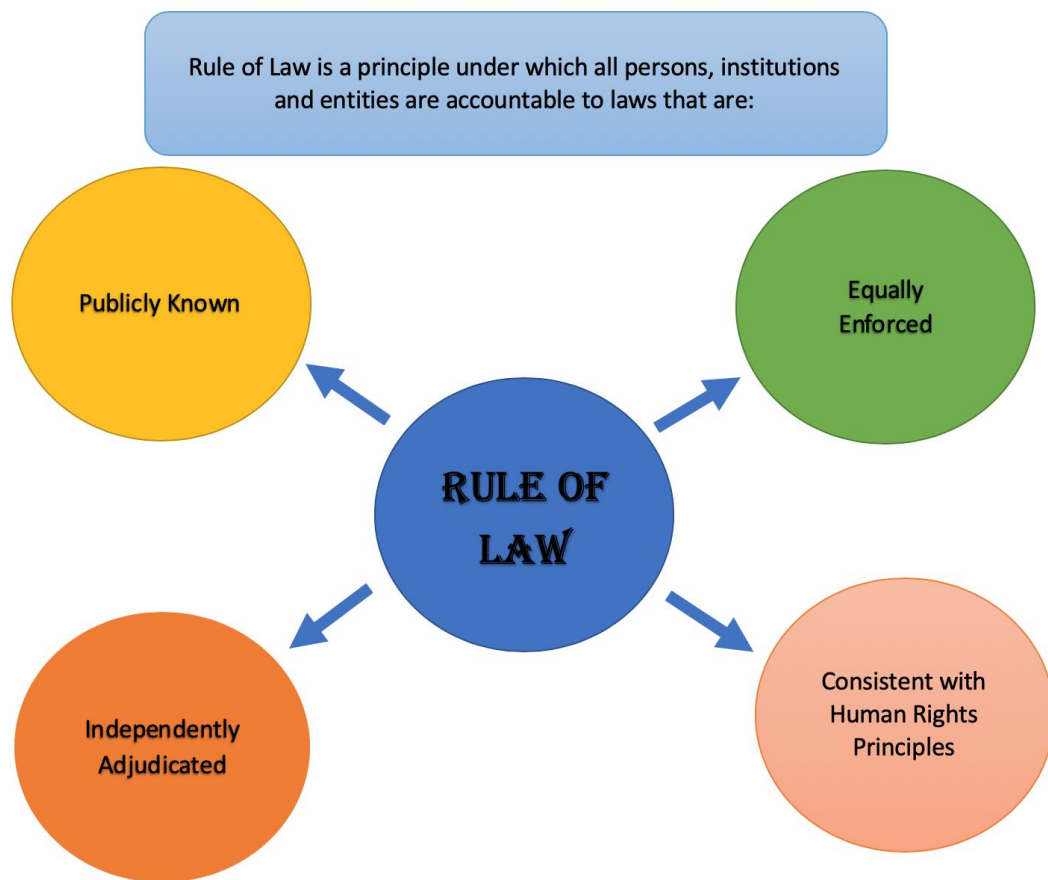


Figure 7.1 Rule of Law Diagram created by Tabitha Raber is used under a [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license

Such was the case brought before the United States Supreme Court in **United States v. Nixon** regarding executive privileges criminal matters. A grand jury returned indictments against seven of President Richard Nixon's closest aides in the Watergate burglary. The special prosecutor appointed by President Nixon sought audio tapes of conversations recorded by President Nixon in the Oval Office. President Nixon asserted that he was immune from the subpoena claiming, "executive privilege," which is the right to withhold information from other government branches to preserve confidential communications within the executive branch or to secure the national interest.

In a unanimous decision the United States Supreme Court held that neither the doctrine of separation of powers, nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified, presidential privilege. The Court granted that there was a limited executive privilege in areas of military or diplomatic affairs but gave preference to "the fundamental demands of due process of law in the fair administration of justice." Therefore, the president must obey the subpoena and produce the tapes and documents. The rule of law was applied to the powerful just as would apply to those without power.

The Rule of Law entails such basic requirements about how the law should be enacted in society, it also suggests certain qualities about the content of the laws themselves. Laws must be open and clear, general in form, equal in application, and known to all. Legal requirements must be such that people are able to follow them. The law must not place undue intelligence or behavioral demands on people. The law should be relatively stable, so people can consult before acting, and legal obligations should not be retroactively established.

In spite of these basic consideration, and attempts by jurists and political philosophers, there is no generally accepted or even systematic formulation of the Rule of Law. The idea that the law should contribute to the betterment of society and constraining the exercise of public power can be interpreted in different ways; which leads to different philosophy and application of the Rule of Law.

The majority of modern democratic societies, and certainly in the United States the Rule of Law's requirement that both those who govern and those governed are held accountable to the law is of unquestionable principle.

After the American Civil War, the federal government expanded the vote to blacks in the old confederate states, providing some equal protection. When Southern states were once again granted self-governance, those in power were predominately white. They began to enact laws that oppressed blacks through segregation and disenfranchisement.

The 1875 Civil Rights Act had stated that all races were entitled to equal treatment in public accommodations, however in 1883 with an 8-1 decision **Civil Right Cases** the United States Supreme Court ruled the Civil Rights only applied to the Federal and State governments, but had no application to private persons or business' open to the public.

In 1892, Homer Plessy boarded a train in New Orleans and sat in the car reserved for whites only. Plessy, who was only one-eighth black, but classified as black by Louisiana law, refused to leave and was arrested, which triggered a case challenging the legality of segregation. In 1896, the Supreme Court ruled that "separate but equal" was fair and was not a violation of the Fourteenth Amendment requiring equal protection to all.

After the **Plessy v. Ferguson** decision, segregation became even more entrenched in the former confederate states through a series of laws and social customs known as "Jim Crow" laws. State schools, theaters, restaurants, and transportation vehicles were segregated. Poll taxes and literacy requirements not only prevented blacks from voting, but also made them ineligible to serve on jury pools or run for public office. "Separate but equal" remained unchallenged until the Supreme Courts re-visited segregation in 1954 with the **Brown v. Board of Education** reversing Plessy. Eventually congress passed the Civil Rights Act of 1964, finally fully implementing the protections guaranteed under the 13th and 14th Amendments of the Constitution.

Supreme Court Justice Stephen Breyer has stated “Maintaining a rule of law is more difficult than many believe. The effort is ancient, stretching back to the Magna Carta, and still earlier” (5). Justice Breyer was attempting to emphasize the challenges of maintaining an equitable system that incorporates the rule of law. Many have tried for hundreds of years and it still is not perfected.

7.2 – Traditional American Courts^{xxxvi}

Due Process

Since colonial days, the courts of the United States have taken their own path, developing and changing to suit the needs and social conscience of the new nation. The following history of the American jury system, the concepts of due process, common law, and the adversary process should further broaden the understanding of the American judicial system.

Along with trial by jury, the guarantees of due process of law are among the firmest bulwarks of our liberty. The value of these guarantees is shown by how our national and state governments have retained them, in strength through each change of status, from colonies to nation, from territory to state.

Daniel Webster defined due process as "a law which hears before it condemns, which proceeds on inquiry, and renders judgment only after a trial". It is a course of legal proceedings according to the rules and principles established by custom and constitution for the enforcement and protection of the rights of private citizens. To give this established course of legal proceedings a valid and competent tribunal is the duty of the courts.



Pin It! The two essential elements of due process:

1. Notice shall be given to a person that matters concerning him are before the court.
2. That person shall be given an opportunity to be heard and defend himself in an orderly proceeding adapted to the nature of the case.

These mean that no person shall be deprived of life, liberty, property or any right granted him by statute unless the matter involved shall first be adjudicated in a trial or hearing conducted according to the rules for judicial proceedings, and no matter shall be adjudicated without the opportunity for a hearing. Due process has been a concern of men determined to establish justice in governments for at least seven and one-half centuries. The Magna Carta, signed by King John of England in 1215, is one of the first historical documents of men demanding rights of their government. This protection may seem self-evident however; historically governments have incarcerated people for disagreeing with those in power under the guise of punishing criminal behavior.

The elements of due process are contained in the Constitution of the United States (**Amendment V and Amendment XIV, Section 1**). Due process is one of our basic American Constitutional rights. For a democratic government to survive and prosper and for their own protection, citizens must understand and value these rights. Aside from all else "due process" means fundamental fairness. This principal guide the judicial system that to function with integrity and honor.

Common Law

Common law is court-made law and differs from statutory law which is made by legislative bodies. Court-made law develops and is passed on to future courts through the decisions and opinions of judges hearing cases. Common law derives its authority from the uses and customs of time, or from the judgment or decrees of courts recognizing and enforcing such uses and customs.

Common Law is especially recognized as the ancient unwritten law of England. In the 11th and 12th Centuries' the English King resolved disputes with the aid of advisers at his court. Formal judicial courts began to develop during the 16th and 17th Centuries, and the judges of these courts studied earlier decisions for guidance. Established decisions came to be called the common law. This form of judicial lawmaking is still used in the England, and the United States, who adopted this policy from the English.

Juries

The Sixth Amendment in the Bill of Rights guarantees, among other ideas, speedy and public trials, that defendants shall be informed of all charges against them, and a trial by jury. The idea of juries is so closely interwoven with that of the courts, that for most members of the American public, the image of a courtroom means a judge in a black robe, the persuasive legal advocate and the rows of twelve men and women looking on and listening closely to the testimony as it unfolds. Although the United States accounts for 90% of the jury trials held throughout the world today, most of the work conducted in a typical American court takes place without a jury.

Juries determine the facts in a trial, the truth or falsehood of testimony, the guilt or innocence of criminal defendants, and the liabilities in a civil trial. In the United States, juries are still seen as the best tool for ensuring that the rigidity of the rule of law can be shaped to justice in any specific case.

Calling citizens to hear disputes has been known throughout history. Modern day juries are the hybrids of Egyptian, Greek, Roman, and European jury customs. English juries have also been a leading influence in shaping the American jury system. The following history of the evolution of the English and American jury system will provide insight and a deeper sense of understanding of this aspect of the criminal justice system.

England, under King Alfred (871-901 A.D.) had a rough system of juries. Representatives were brought together to decide the questions put before them. This system disintegrated on the death of Alfred, although testimony of witnesses did begin to appear. The Normans left partially intact much of the Saxon court system, which included appeals to the King. They did separate temporal and spiritual courts and appointed "circuit" judges to represent the King across the country. They introduced trial by combat as well.

Between the 15th and 18th Centuries juries began to evolve. Trial by "peers" became more authentic as Knighthood was no longer a requirement for a juror. Expert witnesses began to be used. Exemptions from jury duty were developed, as for Quakers, who could not swear to oaths. Grounds for challenging a juror for cause at common law included the juror having served on the indicting jury, the juror was a serf or servant, the juror has been convicted of certain crimes, the juror was related to one of the parties or the sheriff, or the juror had stated his opinion of the case in public. Eventually defendants were allowed to call witnesses and defense counsel was allowed to cross-examine witnesses.



Figure 7.2 Jury of 12 in 15th Century Normandy. [Image](#) is in the public domain.

During American colonial times, the jury became one of the symbols of rebellion against the English King. A primary complaint of the colonists was that they were being denied the rights

granted to all other Englishmen, one of which, was the right to a jury trial as guaranteed by the Magna Carta of 1215. The Magna Carta held several references to trials and juries. That the Common Pleas assemblies shall not follow the court (royal court), but be held "in some certain place", and that juries shall consist of "honest men of the neighborhood" were sample references in the Magna Carta.

Trial by jury was not completely denied to the colonists, however. Early charters, such as the Virginia Company, which established Jamestown in 1607, included the mention of such rights. In New York, the jury found John Peter Zenger not guilty of libel in 1735 on the grounds that what he had written about the royal governor was true. Virginia jurors had great latitude in deciding verdicts. They could even bring in verdicts for offenses other than the ones for which a defendant was charged. It was the British Vice-Admiralty courts, sitting without juries, which ignited the ire of the colonists.

In response to these contentions of unfairness and the abrogation of rights, the colonists included in their earliest documents guarantees of the right to trial by jury. The First Congress of American Colonies, in 1765, recommended trials with juries. The First Continental Congress in 1774, declared that the respective three colonies were entitled to the common law of England and more especially to the great and inestimable privilege of being tried by peers, according to the course of that law. In the Declaration of Independence, Thomas Jefferson listed among the various complaints against King George, that he had obstructed the administration of justice by refusing his Assent to Laws for establishing Judiciary Powers, made judges dependent on his will for appointment for salary, depriving us in many cases of the benefits of Trial by Jury, and transporting (defendants) beyond seas for trial. All these, along with other complaints, led to the United States Constitution in 1787, and in 1791 the first ten amendments.

Jury duty is a right and a responsibility of American citizenship. Juries serve several important purposes: (1) they serve as an arbiter regarding the conflict of facts and evidence as presented at criminal and civil trials; (2) they provide a means by which community values and sentiments are injected into the judicial process; and (3) they help to increase the public's acceptance of legal decisions. Jury duty, along with voting, is one of the primary means by which the average citizen participates in our government. Developing a historical appreciation for the role of juries contributes to willingness and ability of citizens to serve as impartial jurors when called to judge their peers. Use of juries is just one thread running through the historical development of the American judicial system.

Adversarial System

The development and maturation of the adversary system as it exists in American criminal courts today can be traced to the rising importance of the jury during medieval England. As the jury replaced trial by combat, it also changed from a body of witnesses to an impartial body of factfinders. As the jury became neutral, the parties to a case adopted the role of adversaries. The term "adversary" implies two conflicting parties. In American courts those two parties are

the plaintiff and defendant. These parties present to the Court all the evidence and testimony they can find, in the most persuasive manner allowable, in order to achieve a decision favorable to their interests. The attorneys serve as advocates, and the judge sits as a neutral "referee." In all Courts, each side is bound by many rules as to how the case may be conducted. These rules are meant to ensure fair and consistent treatment for all parties, in all cases, across all situations. This adherence to rules and procedures is a hallmark of the adversary system, unlike the inquisitorial system, for example, in which few technical rules of evidence exist. The inquisitorial approach is less sensitive to claims concerning individual rights. An inquisitorial style is less likely to serve as a check on government powers, the role American Courts play in our system of checks and balances. The function of the American Criminal Courts is to inquire into the truth of the matter and establish guilt or innocence. And that all defendants in United States Courts are considered innocent until proven guilty, is one of the most important fundamentals of the American judicial system. The adversary system, allowing each side equal access to a neutral body is the method by which our courts uphold this ideal.

7.3 – Community Courts^{xxxvii}

In recent years, cities and towns across the country have embarked on an experiment to test the proposition that courts can play a role in solving complex neighborhood problems and building stronger communities. Since the 1993 opening of New York City's Midtown Community Court, the nation's first, dozens of cities have begun planning community courts.



Pin It! Community Court Criteria

Eleven community courts are now operating in communities across the nation.

At their onset, each court must address the following set of questions:

- Can courts assume a problem-solving role in the life of a community, bringing people together and helping to craft solutions to problems that communities face?
- How can courts address the impact that chronic offending has on a community?
- Can courts improve the quality of life in a community?
- Can local voices—residents, merchants, community groups engage in the administration of justice?

To answer these questions, community courts have developed individual programs that differ in important ways. Although most of these new courts focus on one neighborhood, several jurisdictions are exploring ways to serve an entire city. Many community courts handle matters such as drug abuse, mental health courts and homeless courts. But others are experimenting with a broader range of matters, including juvenile delinquency and housing code violations.

Some community courts were initiated by courts, and some have been championed by the district attorney. Most courts often use probation officials to help manage and guide services.

These differences reflect a central aspect of community courts: they focus on neighborhoods and are designed to respond to the particular concerns of individual communities. Moreover, community courts are shaped by the particular political, economic, and social landscapes in each community. One of the earliest examples is the Midtown Community Court which was created in New York City to address community problems in Times Square. In January 1998, the Midtown Community Court was the only community court in the United States. By March 2000, nearly a dozen had opened across the country in Connecticut, Florida, Georgia, Minnesota, New York, Oregon, Tennessee, and Texas. New York City and Portland, Oregon, each host two community courts, and organizers in both cities intend to open a third court in 2000. Another 13 jurisdictions, in California, Colorado, Delaware, Florida, Hawaii, Indiana, Maryland, New York, Oregon, Pennsylvania, and Texas, plan to establish community courts in the near future.

Community courts grow out of frustration. Observers have noted that justice has become remote from communities and the people who live in them. Community residents have reported feeling out of touch with courts. They want courts to address low-level crime that is part of daily life. The Midtown Community Court offered a model for addressing these problems by emphasizing the following;

- Locating the court in the community, close to where crimes take place.
- Repaying a community damaged by low-level crime by requiring offenders to compensate neighborhoods through community service.
- Using the leverage of the court to sentence offenders to complete social services that will help them address problems such as drug addiction or involvement in prostitution.
- Bringing the court and the community closer by making the courthouse accessible, establishing a community advisory board, and publishing a quarterly newsletter.
- Using the court as a gateway to treatment and making social services available to offender's right at the courthouse.

The Midtown model was thoroughly documented in an independent evaluation conducted by the National Center for State Courts and in publications prepared by the U.S. Department of Justice. With a well-defined and carefully documented model in New York City, community court planners elsewhere faced questions about whether the Midtown model would meet the needs of their jurisdictions. Planners in other jurisdictions have made significant departures

from the Midtown model, reflecting both the distinct needs of their communities and the practical reality of what they believed they could accomplish given local resources and local support.

Community courts are complex projects that involve rethinking court operations, raising substantial resources, and building partnerships within and without the justice system. Decisions about who should lead the planning of a community court varied from state to state. Judges, District Attorneys, or local court administrators can lead the planning efforts.

Many projects recognized early that a dedicated planner would be needed to move the community court from conception to implementation. This approach reflects the complexities of raising money, building community participation, developing sanctions, establishing partnerships, and so forth. Some operating community courts were staffed with a full-time coordinator during the planning period. Some courts are led by a staff person who dedicated a majority of his or her attention to the project. To ensure that the partnerships necessary for success were established early in the planning process, formal planning committees should be established. The committees typically included representatives from the courts, district attorneys' offices, police departments, social service agencies, and communities. Public defenders can be included on the planning teams.

The scope of the community court project, the readiness of local players to support the concept, and the planners' success in garnering funds and in-kind support all affected the length of the planning process. Jurisdictions can open community courts between 1-3 years.

How Should the Court Link Offenders to Social Services?

It is important for the community court planners to make social services available to defendants. An important consideration is to decide whether to locate these services onsite or provide services through other agencies. Services such as drug treatment, counseling, and assistance with entitlements, require case management by project staff to ensure defendants attend mandated services and receives long-term treatment.

As more of these treatment style courts develop, additional options have become available to courts to manage treatment. Historically, services were provided through governmental agencies such as mental health agencies and case management by probation to monitor and manage compliance. However, these government agencies often become overwhelmed with the number of offenders to manage. As this became more evident, private companies have become to form that provide evidence-based treatment programs and case management services to provide support to the offenders. These agencies contract with the court to provide services and prepare compliance reports directly to the court.

Can Punishment and Help Be Combined?

One of the challenges of Community Courts is what type of sanctions should occur for failure to comply with mandated treatment or court ordered activities such as community service or job seeking. The goal of community courts is to improve the offender's situation and reducing the criminal activity. But how can you help and punish at the same time. Most courts require what is called graduated sanctions when a violation by an offender occurs. To be effective and fair, the offender must be aware of the requirements, what is expected of them and the time frame they must complete tasks. A probation officer or case manager usually provides this direction at the beginning of the program. They also provide the consequences that may occur if an offender does not comply. The officer or case manager must maintain records of the offender's compliance and provide a record to the court. Often, there will be a committee consisting of the court (judge), treatment provider, district attorney, defense counselor and other advocates to determine what the sanction should be when a violation occurs.

Graduated sanctions consist of increasingly sever punishments depending on the violation which occurs. Often times the offender may receive a verbal admonishment for the first violation. This is where the case manager or officer reminds the offender of the program requirements and admonishes the offender for his/her failure to comply. The offender is given an opportunity to explain why he/she could not complete the assignment. An admonishment is often followed up with a plan on how to comply. Further, violations will require additional sanctions, such things as restrictions on privileges (curfew), additional assignments, or required to return to court and explain to the judge the reason for non-compliance. Often the last sanction is a return to custody (jail) for a specific amount of time.



Pin It! Graduated Sanctions

For graduated sanctions to be valid the case manager must track each violation and sanction.

Each violation is maintained independently. For example, a positive drug screen is one violation and needs to be tracked individually. So, if an offender provides a positive drug screen in one week, and the next week they fail to attend community service that is not the same violation. Each violation is independent and needs to be addressed separately.

This way of managing offender compliance and sanctioning can best be described as a "parental" relationship where the court guides the offender through the process using fairness and impartiality. While not friendly, the offender can rely on the court to look out for their best interest. However, like a parent, if the offender fails to comply consequences or sanctions will result. In this sense, both sides have a vested interest in seeing the offender improve. The offender becomes a better or contributing member of society and the community becomes better through a reduction in crime.

What Role Should the Community Play?

Projects should recognize that community involvement is a critical goal, so planners have to determine how and when to involve the community, raising the question: Who is the community? For most court planners, the answer included residents, social service providers, beat officers, and local merchants. Community members can participate in the planning of all of the courts, but in different ways and to differing degrees.

Planners can use a variety of tools to establish community participation. Community, planners attended neighborhood meetings and conduct interviews with a broad range of stakeholders. Courts can create a community advisory panel during the planning period and hold community meetings to determine priorities for the new court. Focus group discussions to better understand community members' concerns and recommendations. In Portland, Oregon, community members were involved in shaping sanctioning options. In Brooklyn, New York, community members chose the building in which to locate the court.

Are Community Courts Effective?

Research on specialty courts has largely been centered on the legal and social outcomes for offenders who participate in these programs. Most studies show that drug courts are effective at reducing future criminal activities and drug use during and after the time court supervision was mandated for the offender. Most results for mental health courts were consistent with the drug court results.

Critics of the program point out that community courts have a great deal of discretion with regards to which offenders are offered programs versus those they avoid. Critics concern are that community court staff could be selecting the offenders which are believed would be successful in their court's program. If this type of selective process was routinely happening, community courts would appear more successful than they really are.

To address these concerns, researchers compared similar offenders who were randomly assigned to participate, or not participate, in community court programs. Researchers track them over time and recorded whether people commit new crimes or commit new crimes. The research found that drug court participation, tends to reduce future crimes for as long as two to three years after the offender leaves community court supervision.

Community courts for drug recidivism seem to work well really do work quite well. Improved behavior of drug offenders can save public money the community would have to spend on recovery services or criminal justice for offenders who did not benefit from drug court programs. Community court programs have the potential for being cost effective.

7.4 – Race and the Courts^{xxxviii}

Los Angeles police officers beat a black man named Rodney King, after a car chase in 1991. The incident was videotaped by a citizen, documenting the amount of force used by the officers. The Black community had complained about police brutality for many years and believed there was now verifiable proof of police brutality. All four officers involved in the incident were criminally charged, however at the trial in state court, the jury acquitted the four officers of using excessive force. Following the verdict, civil unrest ensued in Los Angeles, resulting in riots, looting, arson and assaults.

However, the story doesn't end there, the four officers were tried for civil rights violations in federal court, resulting in the conviction of two officers. Even with the guilty verdict, many in the Black community and in other minority communities suggest the case indicates the difficulty people of color have obtaining a fair outcome from the criminal justice system. Many feel officers unjustly stop and use excessive force when dealing with minorities. This injustice they say starts with officers but continues through the whole criminal process. Many say the whole system needs reform.

Some who believe the justice system in its totality is racist often cite the incarceration rate of Black and Hispanic males. The Bureau of Justice Statistics analysis indicate if current incarceration rates remain unchanged, 32 percent of black males and 17 percent of male Hispanic males born in 2001 will be subject to incarceration in prison during their lifetime. For Caucasian males the percentage is much lower at 6 percent. Black Americans represent approximately 12 percent of the United States population, however, represent 40 percent of all prison inmates and 42 percent of those sentenced to death.

So, the question is - Do these statistics prove racism in the criminal justice system or are they from other causes? Social scientists, politicians, law enforcement agencies, civil rights advocates and media commentator have argued over the meaning of these statistics. Some argue racism in the system is to blame for the statistics, others argue its due to poverty, or personal responsibility, or acceptance of criminal behavior. The debate continues, however maybe the answer is not just one thing, but the answer is “All of the above.”

In a 1975 article, titled “White Racism, Black Crime, and American Justice.” Criminologist Robert Staples argued that discrimination dominates the American justice system. His theory was based on the notion that the legal system was created by white men to protect white people and their assets. By doing so the intended result was to keep black people subjugated. Staples believed that the entire judicial system was racist due to poor legal representation by public defenders for black defendants, juries who were bias toward blacks and judges who sentenced blacks to harsher sentences.

Sociologist William Wilbanks rejected Staples discrimination argument in the 1987 book, titled “The Myth of a Racist Criminal Justice System.” Wilbanks researched numerous studies which reported statistical inequalities in arrest rates and imprisonments between whites and blacks in the criminal justice system. He discovered that the inequalities came from factors such as the defendant’s criminal history and poverty, not from racial discrimination. Others have argued the apparent inequalities in the criminal justice process are related more due to poverty than race. Crimes such as robbery and assault, which are significant in the statistics, are usually committed by people from poor backgrounds. Today, approximately 39 percent of all Blacks and Hispanics live below the official poverty line, compared to approximately 9 percent of all whites.

Street Level Arrest

In 2010, Black Americans accounted for a third of the arrests for violent crimes. This surpasses the numbers of Black Americans in the population. Those who dispute Robert Staples argument of racism point out the percentage is consistent to reports from the National Crime Victimization Survey. This survey interviews thousands of victims of crime each year. The percentage of victims who say the suspect was black closely matches the percentage of Black Americans arrested. However, different studies of arrest indicate that police are involved in some discrimination against members of racial and ethnic minorities.

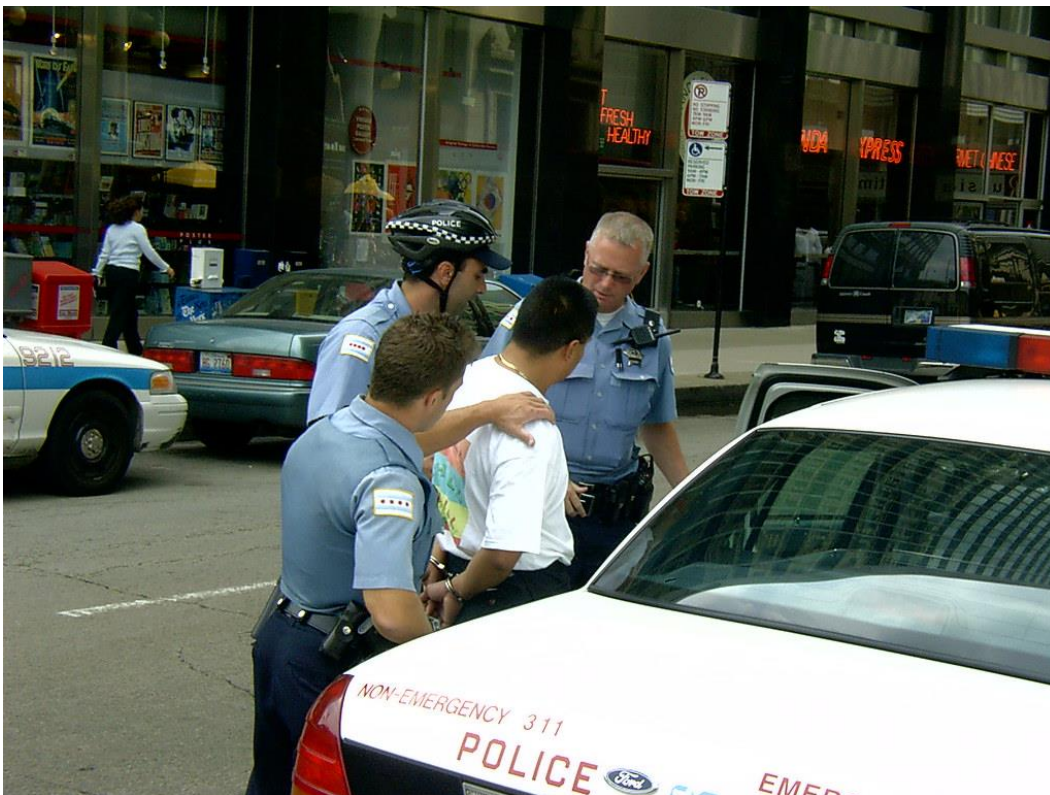


Figure 7.3 Arrest in Chicago. [Image](#) is used under a [CC BY-SA 2.0](#)

It is clear that Black Americans have a higher arrest rate for drug possession and trafficking, disproportionate to the number of Black Americans within the population. Blacks are only 12 percent of the population and approximately 13 percent of drug users, but Black Americans represent nearly a third of people arrested in 2010. Those that argue racism point to the use of “racial profiling.” It is alleged that police, using drug courier profiles stop black males for minor driving or vehicle mechanical violations.

In New Jersey, a review of documented traffic stops between 1989 and 1991 determined that 72 percent of drivers stopped and arrested were Black Americans, while only 14 percent of vehicles had a black driver or occupant. New Jersey data for the same period indicated that blacks and whites had the same rate of traffic violations. A few years later a Maryland study indicated similar results: 17 percent of vehicle code violators were black, but 72 percent of those searched were black. These types of law enforcement practices may suggest blacks will be involved in the criminal justice system more rapidly than whites.

In some states, Black Americans are released quicker than White Americans after arrest. A significant amount of those arrests are for less serious offenses such as prostitution, gambling, and public drunkenness. The meaning of this is up for debate. Those refuting the racism argument say that police and prosecutors are more likely to treat Black Americans more lenient than White Americans. Those who argue racism is rampant in the criminal justice system argue it is evidence Black Americans are more likely to be arrested on insufficient evidence or harassed by police because of racism, or at a minimum indicates bias.

Those who believe the police have too much authority and utilize racist practices argue the courts contribute to the perceived racist practices. The argument is the courts have given officers too much discretion when it comes to police practices and establishing probable cause. Also, the argument suggests the officers state of mind should be relevant in contacting citizens.

In the case of **Whren v. United States** Whren was driving in a 'high drug area.' Some plainclothes officers, while patrolling the neighborhood in an unmarked vehicle, noticed Whren sitting in a truck at an intersection stop-sign for an usually long time. Suddenly, without signaling, Whren turned his truck and sped away. Observing this traffic violation, the officers stopped the truck. When they approached the vehicle, the officers saw Whren holding plastic bags of crack cocaine. Whren was arrested on federal drug charges. Before trial, Whren moved to suppress the evidence contending that the officers used the traffic violation as a pretext for stopping the truck because they lacked either reasonable suspicion or probable cause to stop them on suspicion of drug dealing.

In a unanimous decision the United States Supreme Court held that as long as officers have a reasonable cause to believe that a traffic violation occurred, they may stop any vehicle. In the present case, the officers had reasonable cause to stop the petitioners for a traffic violation since they sped away from a stop sign at an 'unreasonable speed' and without using his turn signal. Thus, since an actual traffic violation occurred, the ensuing search and seizure of the

offending vehicle was reasonable, regardless of what other personal motivations the officers might have had for stopping the vehicle.

Plea Bargains and the Courts

In the United States, 90-97% of all criminal cases are resolved through the plea-bargaining process. The first step of the process is arraignment in which the defendant and defense counsel are notified of the charges, most often the maximum charges the district attorney is alleging based on the crime committed. Crime reports are provided to counsel to evaluate the initial strength of the case. After this initial hearing, a plea-bargaining process can begin. The plea bargain process in California usually consists of the district attorney, defense counsel, the judge and possibly a probation officer to provide criminal history and sentencing recommendations depending on the charges.

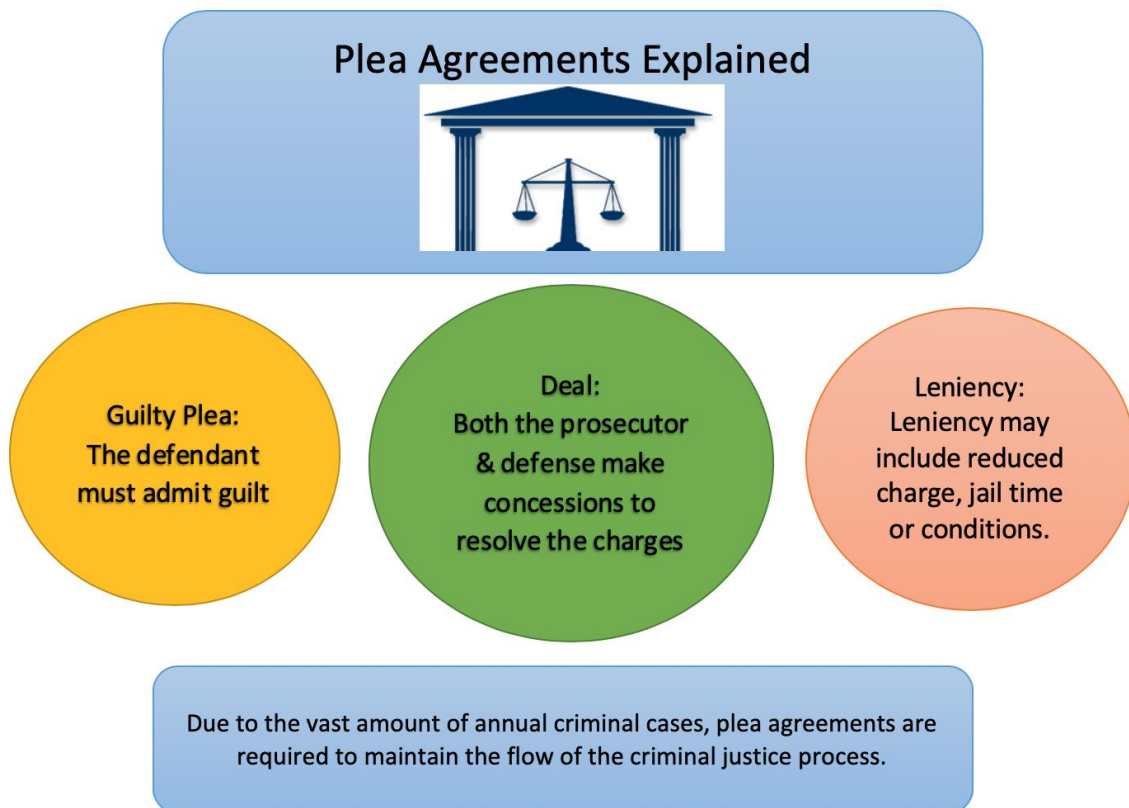


Figure 7.4 Plea Agreement Diagram created by Tabitha Raber is used under a [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license

There is some concern that plea bargaining can have racial disparity and those of color are treated differently or more severely than whites. Research has been conducted to determine if there is significant disparity in the way Hispanics, black and whites are treated in the plea-bargaining process. One key consideration is how charges are treated from the initial filing of

charges in the D.A. complaint and the plea charges agreed upon during the plea agreement process. Does race factor into how charges are reduced during the plea-bargaining process?

In a 2018 study of this process, the author Carlos Berdejo found there was racial disparity during the plea-bargaining process. “White defendants are twenty-five percent more likely than black defendants to have their principal initial charge dropped or reduced to a lesser crime. As a result, white defendants who face initial felony charges are less likely than black defendants to be convicted of a felony.” What this means, is white defendants who were initially charged with a felony or serious crime are more likely to have the charge reduced to a misdemeanor or lesser crime. He also found that this disparity is even greater at the lower level crimes (misdemeanor) in which offender of color were more likely to serve jail time for minor offenses and white offenders received other sanctions.

In the United States approximately 90 percent of all criminal cases will never go to trial. The prosecutor and defense attorney enter into negotiations, and if an agreement can be reached and the judge agrees; the defendant will plead guilty, often to a lesser charge. The United States Sentencing Commission conducted a study in 1990 which reviewed 1,000 cases. The commission determined that whites received a better deal in the plea bargains. Twenty-five percent of whites had their charges reduced through the plea-bargaining process, compared to 18 percent of blacks, and 12 percent of Hispanics.

COP A PLEA OR PAY THE PRICE

AVERAGE SENTENCE FOR FEDERAL DRUG DEFENDANTS BY PLEA/TRIAL (FY 2012)



Source: Human Rights Watch analysis of United States Sentencing Commission FY 2012 Individual Datafiles. http://www.uscc.gov/Research_and_Statistics/Datafiles/index.cfm

Figure 7.5 United States Sentencing Commission. Image is in the public domain.

In 1991, a San Jose newspaper conducted a comprehensive review of 700,000 criminal cases in California, spanning 10-years. The Mercury News reported that 33% of the white adults who were charged, but had no prior record, were able to get felony charges reduced. Compared to Black Americans and Hispanic Americans with no prior records who were only successful in reducing charges 25% of the time. The news paper's conclusions did not suggest intentional racism for these differences. The author did suggest that cultural fears and insensitivity could have been contributing factors to the differences. The article noted that at the time 80 percent of all California prosecutors and judges are white, while more than 60 percent of those arrested are non-white. The newspapers reporting made it clear the author and the editors believed that implied bias was contributing to the perceived inequities in the plea-bargaining process.

Jury Selection and Trial

For the criminal cases not resolved through the plea-bargaining process, they proceed to the jury trial. Things that need to be considered is how the jury selection process can affect the outcome. A key to the American criminal process is innocent until proven guilty and a trial by a jury of your peers. But is this occurring? In this section we examine the jury selection process and the affect it has on the outcome of a trial.

Cornell University Law Professor Sheri Johnson reviewed twelve mock-jury studies (21). She determined the race of the defendant directly affected the juries' determination of guilt. In the mock trial, identical presentations and facts were simulated, sometimes with white defendants and sometimes with a black defendant. Professor Johnson concluded white jurors were more likely to find a black defendant guilty than a white defendant, even though the mock trials were based on the same crime and the same evidence.

The results discovered black jurors displayed reverse bias. Black jurors found white defendants guilty more than black defendants. Additionally, the race of the victim in the case affected both groups. White jurors determined white defendants less culpable if the victim was black. Likewise, black jurors found black defendants less culpable if the victim were white. Based on these mock-jury results, jurors of both races displayed biased behavior. So, the major question taken away from these results, is the criminal justice system racially unfair? The researchers believed the juror bias was not conscious. They attributed a guilty verdict on the basis of race seemed to be subconscious. The researchers surmised jurors were unlikely to be aware of their bias during the process.

The U.S. Supreme Court has attempted to promote racially mixed juries by prohibiting prosecutors and defense lawyers from using peremptory challenges to remove potential jurors based on race. In the case of **Batson v. Kentucky** (1986) Batson, a black man, was on trial charged with second-degree burglary and receipt of stolen goods. During the jury selection, the prosecutor used his peremptory challenges to remove the four black persons on the jury panel, resulting in a jury composed of all white people. Batson was convicted on both of the charges against him.

The United States Supreme Court found that the prosecutor's actions violated the Sixth and Fourteenth Amendments of the Constitution. Relying heavily on precedents set in **Strauder v. West Virginia** (1880) and **Swain v. Alabama** (1965), Justice Powell held that racial discrimination in the selection of jurors not only deprives the accused of important rights during a trial, but also is devastating to the community at large because it "undermines public confidence in the fairness of our system of justice." Without identifying a "neutral" reason why the four blacks should have been excluded from the jury, the prosecutor's actions were in violation of the Constitution.

Justice Thurgood Marshall called for ending the use of peremptory challenges altogether. Justice Marshall said, only by banning peremptory challenges can racial discrimination in jury selection be ended. Six years later in the case of **Georgia v. McCollum** (1992) the Supreme Court would address race and peremptory challenges once more. White defendants, Thomas McCollum, William Joseph McCollum, and Ella Hampton McCollum were charged with assaulting two black individuals. Before the criminal trial, the prosecution moved to bar the defense from using its peremptory challenges to eliminate black people from the juror pool. The term "peremptory challenge" refers to the right to reject a potential juror during jury selection without giving a reason. The trial judge denied the prosecution's motion, and, when the prosecution appealed, the Georgia Supreme Court affirmed the trial judge's decision.

The United States Supreme Court found that the exercise of peremptory challenges in a racially discriminatory manner not only violates the rights of potential jurors, but also undermines the integrity of the judicial system. Since the Court also determined that a peremptory challenge did constitute state action, it found the use of peremptory challenge for the purpose of racial discrimination to be a breach of the Equal Protection Clause. Consequently, the decision of the Georgia Supreme Court was reversed.

Even after the Supreme Court's rulings it can be challenging to enforce the courts' mandates or ensure prosecutors and defense attorneys do not attempt to manipulate the judicial system. In the case of **Miller-El v. Dretke** (2003) the United States Supreme Court reviewed a case involving a black Texas death-row inmate. Miller-El alleged the prosecution in his capital murder trial violated the 14th Amendment's equal protection clause by excluding 10 of 11 blacks from the jury. The jury convicted Miller-El and he was sentenced to death. State courts rejected Miller-El's appeals and ruled Miller-El failed to meet the requirements for proving jury-selection discrimination outlined by the U.S. Supreme Court in **Batson v. Kentucky**. Miller-El then appealed to a federal district court. The district court rejected Miller-El's appeal and ruled the court must defer to the state courts' acceptance of prosecutors' race-neutral justifications for striking potential jurors. The Fifth Circuit Court of Appeals affirmed and ruled a federal court could only grant an appeal if the applicant made a substantial showing of the denial of a constitutional right.

In a 6-3 opinion delivered by Justice David Souter, the Court held that Miller-El deserved to win his appeal because the jury selection in his case violated the Fourteenth Amendment's equal protection clause. The Court began by noting that the prosecutors used peremptory strikes to

exclude 91 percent of the eligible black prospective jurors, "a disparity unlikely to have been produced by happenstance." After comparing two eliminated black prospective jurors with similar white jurors who were not eliminated, the Court concluded that the "selection process was replete with evidence that prosecutors were selecting and rejecting potential jurors because of race." The Court further concluded that Texas' jury selection manual, both in this case and generally, tended to allow prosecutors to read disparate questions to prospective jurors depending on whether they were black or white.

Court Sentencing

Studies have determined that once convicted by a court Black Americans are more likely than White Americans to be incarcerated. Additionally, sentences were longer for blacks than for whites. The study suggests that people involved in the sentencing process like probation officers, judges, and parole boards are utilizing allowed discretion in sentencing or probation and parole decisions such a way that is discriminatory toward Black Americans.

Unintended discrimination may take place at many points in the criminal justice process. Probation officers prepare pre-sentencing reports for a judge. The judge utilizes the reports to help making decisions related to sentencing. Pre-sentencing reports typically include information on the criminal's prior record, family background, education, marital status, and employment history. Many African-Americans convicted of crimes come from lower sociology-economic background with single parent homes, many with substance abuse problems. The criminals pre-sentencing reports contain information such as trouble in school and family problems which the judges cannot relate to. The study suggests these factors may persuade some judges to sentence them to more severe sentences. However, it is important to note that the criteria for whether to impose the low, middle, or upper term in sentencing is based on the aggravating or mitigating factors of the offense and not the socio-economic factors of the offender.

A survey of studies on discrimination in the criminal justice system discovered that much of the differences in sentencing can be determined by the arrested persons criminal charges and prior criminal activity of those. The survey concluded there was no evidence of bias throughout the criminal justice system, however examination of specific jurisdictions and courts did find evidence that suggests racial bias in a significant number of cases. **(27)**

When reviewing drug offenses separately, some federal sentencing practices had the effect of discriminating against Black Americans. Federal laws created harsher mandatory sentences for crack cocaine, which was popular in poor black communities. Powder cocaine, which had lower sentencing structure was typically consumed in wealthier communities. For example, selling 28 grams of crack cocaine a suspect would be sentenced to a mandatory minimum sentence of five years, even if it was the suspects first offense. To be sentenced for a minimum five years, a suspect would have to be convicted of selling 500 grams of powder cocaine. Because a greater majority of crack cocaine users are black while powder cocaine users white, the result of the law had an adverse effect on the black community.

In 2010, the United States Congress passed the “Fair Sentencing Act.” This law repealed the mandatory minimum sentences and eliminated the discrepancy between crack and powder cocaine possession and sales. Additionally, in 2012, the United States Supreme Court addressed the law in **Dorsey v. United States**. The Court held that the Fair Sentencing Act's (FSA) lower minimum sentences apply to offenders sentenced after the FSA's passage, even for crimes committed before its passage. In the Court's opinion, Congress clearly intended for the sentencing guidelines to apply to pre-Act offenders. The FSA is intended to create uniformity and proportionality in sentencing, a goal that would be undermined by applying the old sentencing guidelines after the Act's passage. Instead, applying the old sentencing guidelines would create the exact sentencing disparities that Congress tried to prevent with the FSA.



Act It Out! Community Court Activity

In this activity, click [here](#) to access the Community Court website. This will provide you with information on how successful community courts can be launched in your community.

Answer the following questions based on the above reading:

1. Thinking about the community you live in, identify a specific population you believe would best be targeted for community policing and why?
2. Now identify the stakeholder or board that would provide input on how the program would be run. Why did you choose these people?
3. Who would oversee the process? What checks and balances would be in place to ensure community safety?
4. Present your finding to the class.
5. Peer review of each program, each group will provide feedback on the project design.

Chapter 8 – Managing Culturally Diverse and Specific Populations in Correctional Settings

Key Learning Objectives:

- Be able to explain the history of the American correctional system and the theories of incarceration and rehabilitation.
- Explain the theories on incarceration: Deterrence, Retribution, Rehabilitation & Restoration
- Explain why it is important to be culturally competent when working in the correctional setting.
- How to appropriately deal with diverse issues and situations in the correctional settings.
- Be able to identify the myths and stereotypes of inmates in correctional facilities.

8.1 - History and Purpose of American Correctional System^{xxxix}

The history of the American Correctional system has grown and evolved over the centuries to its current state. When the country began, we relied heavily on our British roots to guide our systems, and corrections is no different. Colonial America didn't begin with prison or incarceration. Because the populations of early colonies were so small and communities close knit, punishment for the violation of laws and social norms were handled swiftly. Violators were punished by being placed in stocks or pillory, wearing a scarlet letter and similar public shaming methods. Strangers to the community would be banished or physical punishments imposed.

However as American began to grow, this type of punishment would no longer work. After the Revolution, the founding fathers borrowed many of the English ways, but adapt it to their new-found ideals of freedom, their concept of criminal justice was no different. Perhaps because of its history of aversion to the harshness of the English Criminal code and its recent victory in the Revolutionary War, America was also particularly receptive to emerging Enlightenment thought challenging the premises of the old social order. So America sought to design a more unique penal system. One which focused on correcting behavior of the offenders. America began to build prisons which they intended to house offenders to protect the community but also correct their behavior. The Walnut Street Prison was one of the earliest examples of this new thought on prison. They sought to provide prisons a place where they could reflect on their actions and feel "penance" for their actions. Whereby we derived our word "penitentiary."



Figure 8.1 Eastern State Penitentiary. [Image](#) is used under a [CC BY 2.0](#).

In order to understand prisons, we must look at the reasons we punish offenders and what are our goals. There are five common types of punishment: Retribution, restoration, incapacitation, deterrence, and rehabilitation. Retribution and restoration both center on the victim and society. Retribution is probably one of the oldest forms of punishment and most commonly known as “an eye for an eye.” Historically, when wronged the victim would expect retribution or some payment proportionate to the loss he or she incurred. This punishment is also compared to vengeance. Restoration is a similar concept in which a debt is owed to the victim or society because of the offender’s criminal actions. The offender and victim must meet to allow the victim to be heard and the offender make amends and receive forgiveness. This is most often used with juvenile offenders.

Incapacitation

Incapacitation is just as it sounds, incarcerate offenders (incapacitate) so they can not harm society. Of course, this is one of the most expensive means of corrections. According to the Bureau of Prisons the average cost of incarceration for Federal Inmates is \$36,299.25 per year for 2017. Deterrence is another concept whereby society “deters” crime through punishment. First, it assumes specific deterrence which means a person thinks through a crime and doesn’t act because the consequence (punishment) is not worth it. The other type of deterrence is general deterrence where society sees another one receives punishment for an act, and they do

not want to suffer the same punishment so don't act. Both of these concepts require swift punishment to occur to be effective.

Deterrence

The main purpose of deterrence is to prevent future crime by deterring offenders and the public from committing a crime due to fear of punishment. There are two main types of deterrence, specific and general. Specific deterrence is the prevention of committing new crimes by one specific offender. An example of **specific deterrence** is when an individual is caught for a crime and is punished, either incarceration, probation, fine or condition of sentence. This punishment needs to be severe enough to prevent future crime. The punishment must fit the crime. The other form of deterrence is **general deterrence**. This is where a person sees the criminal get punished and therefore does not commit a crime because they do not want to receive the same punishment. In order for these theories to work effectively, punishment must be certain and timely. However, deterrence may not work in all cases because offenders think they can get away with the crime and avoid apprehension and punishment.

Retribution

Retribution is the theory that when someone commits a crime, the person harmed (the victim) deserves reprisal or "pay back" for the loss they received. Another common understanding of this concept is "an eye for an eye" which dates back centuries where the victim was able to exact revenge when they were harmed or wronged by another person. Today retribution does not just pertain to an individual, but more often society as a whole. For example, the use of illegal drugs does not have a specific victim. However, the harm done to society through other actions and crimes is why drug use is considered illegal.

Rehabilitation

Rehabilitation has been a reoccurring theme in American corrections throughout the centuries. The first prison built in America sought to correct offender behavior. Rehabilitation focuses on correcting offender behavior, often in a confined setting (prison) or in the community under supervision (probation or parole) to guide the offender to overcome barriers that contributed to the commission of the crime. Often considered the "medical" model of punishment because it sought to treat the offender rather than strictly punish. This model was used extensively through the 1970's until a study indicated rehabilitation didn't work. Though this study was later invalidated, it changed the prison for many decades. A shift occurred in the 2000's and more institutions are returning to rehabilitation as a form of reducing prison population and curbing recidivism.

Restoration

Restoration is a concept of justice where the offender and the victim (either a person or society) work together to resolve the issue. The offender must make amends to the victim but

also has a say in the process. Restoration is a more collaborative approach to resolving crimes and is often used in crimes involving juveniles. This process allows the offender to express remorse for committing the criminal act and be forgiven. This is a relatively new way of viewing crime and punishment and as a result there has been a focus on developing restorative justice programs across the United States.

8.2 - Return to the Rehabilitative Philosophy^{xl}

Since the first prisons were built in American, many changes have occurred. Not all for the better. The United States penal system is currently faced with serious problems, many prisons are underfunded, understaffed and overcrowded. An increase in the crime rate and changes to sentencing laws in the 1990's led to an increase in incarceration rates. Mandatory minimum and Three Strikes laws has contributed to the growth of prisons population and overcrowding. Another contributing factor to prison overcrowding is recidivism. Recidivism is when an offender is returned to custody for a violation of supervised release or commit a new offense while under supervision.

So, we have a dilemma, prisons are very expensive and ineffective when so many offenders are returned to custody. This shows we have not rehabilitated offenders or deterred crime and more importantly we have also failed to protect the community. At the same time, no one thinks it's a good idea to open the prison doors and let offenders free. So how do we deal with this epidemic? Some states have been forced to make corrections. In California for example, this led to Supreme Court involvement:

“California's prisons are currently designed to house approximately 85,000 inmates. At the time of the U.S. Supreme Court's 2011 decision in ***Brown v. Plata***, the California prison system housed nearly twice that many (approximately 156,000 inmates). The Supreme Court held that California's prison system violated inmates' Eighth Amendment rights. The Court upheld a three-judge panel's order to decrease the population of California's prisons by an estimated 46,000 inmates. They determined that overcrowding was the primary cause of the inmates' inadequate medical and mental health care. As a result, the California Department of Corrections and Rehabilitation (CDCR) has been working to redistribute inmates and parolees safely and decrease the overall population to the mandated levels.”

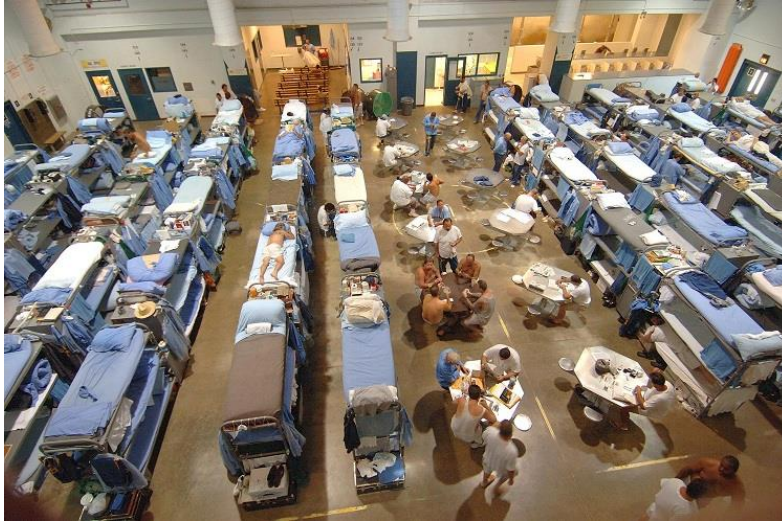


Figure 8.2 Prison Overcrowding. [Image](#) is in the public domain.

This created a situation where California had to make significant changes to the way it managed offenders and incarceration. Their answer to this problem was called Assembly Bill 109 (AB 109) or “2011 Public Safety Realignment,” and changed the seriousness of offenses in the penal code and provided new sentencing requirements for a majority of crimes. It reduced many crimes such as drug use and theft to misdemeanors. Additionally, other crimes previously punishable by prison, were no longer prison eligible. They transferred the responsibility for the incarceration of those offenders back to the counties they were committed. Previously, county jails were only used to incarcerate offenders for short terms (usually a maximum of one year). After the passage of AB 109, offenders could be jailed for up to decades depending on the number of charges.

Another considerable change that came with this bill was the way community supervision was managed. Prior to AB 109, there was two types of supervision, probation (community supervision in lieu of prison) or parole (community supervision after a term in prison was served). After AB 109, the state shifted a significant number of offenders to county supervision and created two additional forms of supervision. Mandatory Supervision was created to supervise offenders who no longer qualified for prison and jailed locally. And Post-Release Community Supervision (PRCS) where offenders identified by CDCR as “non-violent” and could be supervised by county probation officers. This significantly increased the number of offenders the county probation departments were required to supervise.

The idea behind this “realignment” was to focus on rehabilitation and allow offenders to stay locally (either in jail or under supervision) where the community and stake holders could provide better services and reduce recidivism. County funding from the state actually depends on the recidivism rates and rates of prison sentences from each county. Counties receive more money from the state if they can show a reduction in recidivism and a reduction of prison commitments. Counties were required to create committees with community stakeholders to provide evidence-based treatment programs for offenders and demonstrate effectiveness for maximum funding.

Under California penal code section 1230, the Community Correction Partnership (CCP) was created. It required the executive committee be comprised of the following:

- Chief Probation Officer
- Chief of Police
- Sheriff
- District Attorney
- Public Defender
- Presiding Judge of the Superior Court (or his/her designee)
- A representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs, as appointed by County Board of Supervisors.

The goal of the committee is to ensure the county is doing its best to provide the best offender treatment services. This CCP look for ways to effectively manage services and funding provided by the states. The emphasis is on measurable outcomes and the ability to deliver evidence-based treatment to the offenders. As a result, many probation departments changed practices, reduced caseloads and focused treatment on high risk offenders.

California is not unlike other states. Many are looking for ways to reduce their prison populations. A shift towards a rehabilitative correction system has been a growing movement among many states. More emphasis has been placed on programs offered to offenders while incarcerated, transitional programming for prisoners as they near release and supportive supervision in the community to ensure a better transition. All of these efforts are geared to reducing recidivism and improving the safety of the community through a reduction of crime.

However, for treatment to be effective, correctional professionals – prison guards, correctional counselors and community supervision officers need to be aware of cultural, racial and gender issues that could affect the delivery of treatment and the offenders continued commitment to treatment. In this section we explore multiculturalism in treatment of offenders. This information was initially geared toward the therapeutic professional but can be easily adapted to fit the correctional professional. Despite the dual roles correctional professionals must balance, this information is valuable for developing rapport with offenders and improving outcomes.

8.3 - What it means to be Culturally Competent^{xli}

The development of culturally responsive clinical skills is vital to the effectiveness of behavioral health services. According to the U.S. Department of Health and Human Services (HHS), cultural competence “refers to the ability to honor and respect the beliefs, languages, interpersonal styles, and behaviors of individuals and families receiving services, as well as staff members who are providing such services. Cultural competence is a dynamic, ongoing developmental

process that requires a long-term commitment and is achieved over time” (HHS 2003a, p. 12). It has also been called “a set of behaviors, attitudes, and policies that . . . enable a system, agency, or group of professionals to work effectively in cross-cultural situations” (Cross et al. 1989, p. 13).

This section targets specific racial, ethnic, and cultural considerations along with the core elements of cultural competence highlighted in the model. These core elements include cultural awareness, general cultural knowledge, cultural knowledge of behavioral health, and cultural skill development.

Introduction to Cultural Competence

Why is the development of cultural competence and culturally responsive services important in the behavioral health field? Culturally responsive skills can improve offender engagement in services, therapeutic relationships between offender and providers, and treatment retention and outcomes. Cultural competence is an essential ingredient in decreasing disparities in behavioral health.

The development of cultural competence can have far-reaching effects not only for offender, but also for providers and communities. Cultural competence improves an organization’s sustainability by reinforcing the value of diversity, flexibility, and responsiveness in addressing the current and changing needs of offender, communities, and the healthcare environment. Culturally responsive organizational strategies and clinical services can help mitigate organizational risk and provide cost-effective treatment, in part by matching services to offender needs more appropriately from the outset. So too, culturally responsive organizational policies and procedures support staff engagement in culturally responsive care by establishing access to training, supervision, and congruent policies and procedures that enable staff to respond in a culturally appropriate manner to offender’ psychological, linguistic, and physical needs.

What is the process of becoming culturally competent as a correctional professional or culturally responsive as an institution?

Cultural competence is not acquired in a limited time frame or by learning a set of facts about specific populations; cultures are diverse and continuously evolving. Developing cultural competence is an ongoing process that begins with cultural awareness and a commitment to understanding the role that culture plays in behavioral health services. For correctional professionals, the first step is to understand their own cultures as a basis for understanding others. Next, they must cultivate the willingness and ability to acquire knowledge of their offender’ cultures. This involves learning about and respecting offender worldviews, beliefs, values, and attitudes toward mental health, help-seeking behavior, substance use, and behavioral health services. Correctional professionals should incorporate culturally appropriate knowledge, understanding, and attitudes into their actions (e.g., communication style, verbal

messages, treatment policies, services offered), thereby conveying their cultural competence and their institutions' cultural responsiveness during assessment, treatment planning, and the treatment process.

What is culture?

Culture is the conceptual system developed by a community or society to structure the way people view the world. It involves a particular set of beliefs, norms, and values that influence ideas about relationships, how people live their lives, and the way people organize their world. Culture is not a definable entity to which people belong or do not belong. Within a nation, race, or community, people belong to multiple cultural groups and negotiate multiple cultural expectations on a daily basis. These expectations, or cultural norms, are the spoken or unspoken rules or standards for a given group that indicate whether a certain social event or behavior is appropriate or inappropriate. The word “culture” is sometimes applied to groups formed on the basis of age, socioeconomic status, disability, sexual orientation, recovery status, common interest, or proximity. Correctional professionals and administrators should understand that each offender embraces his or her culture(s) in a unique way and that there is considerable diversity within and across races, ethnicities, and culture heritages. Other cultures and subcultures often exist within larger cultures.

What are race and ethnicity?

Race is often referred to as a biological category based on genetic traits like skin color (HHS 2001), but there are no reliable means of identifying race through biological criteria. Despite its limitations, the concept of race is important to discussions of cultural competence. Race—when defined as a social construct to describe people with shared physical characteristics—can have tremendous social significance. The term ethnicity is often used interchangeably with race, although by definition, ethnicity—unlike race—implies a certain sense of belonging. It is generally based on shared values, beliefs, and origins rather than shared physical characteristics. With the exception of its final chapter, which examines drug cultures, this TIP focuses on the major racial and ethnic groups identified by the U. S. Census Bureau within the United States: African and Black Americans, Asian Americans (including Native Hawaiians and other Pacific Islanders), Hispanics and Latinos, Native Americans, and White Americans.

What constitutes cultural identity?

Cultural identity, in the simplest terms, involves an affiliation or identification with a particular group or groups. An individual's cultural identity reflects the values, norms, and worldview of the larger culture, but it is defined by more than these factors. Cultural identity includes individual traits and attributes shaped by race, ethnicity, language, life experiences, historical events, acculturation, geographic and other environmental influences, and other forces. Thus, no two individuals will possess exactly the same cultural identity even if they identify with the same cultural group(s). Cultural identities are not static; they develop, evolve, and change across the life cycle.

8.4 - Female inmates^{xlii}

The difference between Female and Male prison populations are significant in many ways. A majority of Female inmate commit a violent offense at a far less rate than Male Inmates. Female inmates are more likely to have been convicted of a crime involving property crimes, alcohol abuse, or drugs. Poverty has always been a better indicator for the propensity to commit property crimes which are economically driven, often motivated by the abuse/addiction of alcohol and other drugs.



Figure 8.3 Female inmates inside their maximum-security prison. [Image](#) is used under a [Attribution-Share Alike 4.0 International license](#).

A study conducted in California showed that 71.9% of Females had been convicted on a drug or property charge versus 49.7% of Males. Males also commit nearly twice the violent crimes that Females do. Female inmates tend to participate in prison programs, however Female inmates have less opportunity to participate in programs than male prisoners do.

Female inmates tend to come from a lower socioeconomic status, have a lower education, possess limited skills, are single parents, and are predominately women of color. In California prisons, over half of the women are Black Americans (35%) and Hispanic (16.6%). One-third were Caucasian and (13%) were made up of other minorities. A study indicated those who had jobs prior to criminal conviction, only 37% were working at a legitimate job. Twenty-two percent were receiving a form of welfare, 16% were drug dealing and 15% were involved in other illegal activities.

Statistics clearly show there are issues of economic status and race are factors in the criminal justice system. Prior to being ruled unconstitutional the state of Minnesota had a law that stipulated first-time users of crack cocaine would receive a mandatory four-year sentence, however first-time users of powder cocaine would receive probation. According to statistics 92% of those arrested for possession of crack were Black Americans and 85% of those arrested

for possession of powdered cocaine were White Americans. On face value the law was clear representation of institutional racism. A judicial system which incorporates racial and economic factors in determining who will be imprisoned is a criminal justice system that lacks justice.

Two-thirds of Females have children who are minors. Many feel guilty about being away from their children and are concerned they might lose custody of their children after incarceration. Female inmates utilize prison psychological services at a rate which exceeds Male inmates. This is due to guild issues surrounding children, as well as unresolved pre-incarceration issues such as abuse.

Many females who are in the correctional system are either addicted to, or abuse drugs, alcohol or both. In a study done in the Las Colinas Detention Facility in California, 37% of the Females interviewed indicated alcohol was their drug of choice, 21% said heroin, 24% crystal meth, and 18% cocaine. Unfortunately, drugs are readily available in prisons being smuggled in by friends, family, trustees and sometimes by prison employees.

Many Females in prison also report a history of physical and sexual abuse. In California prisons, nearly 80% have experienced some form of abuse. Twenty-nine percent report being physically abused as children, and 60% as adults, usually by their partners. Thirty one percent experienced sexual abuse as a child and 23% as adults; and 40% reported emotional abuse as a child and 48% as an adult.

Females also report abuse within the correctional system. An ongoing investigation by the Human Rights Watch Women's Rights Project documented custodial misconduct in many forms including verbal degradation, rape, sexual assault, unwarranted visual supervision, denying goods and privileges, and use or threat of force. "Male correctional officers and staff contribute to a custodial environment in state prisons for women which is often highly sexual and excessively hostile".

8.5 - Homosexual and Transgender Inmates^{xliii}

What unique challenges do lesbian, bisexual, gay, and transgender, (LBGT) inmates pose for jail operations? What do jail and prison leaders and staff need to know in order to appropriately manage these people with safety and respect?

Accurate language and terminology, physical and gender identity factors, and an understanding of medical facts provide a basis for sound practice. Jails need to be prepared on many dimensions, such as medical care, data systems, security, housing options, and clothing choices.

In 2007 the Center for Innovative Public Policy began to delineate the scope of the correctional facilities responsibility and options for appropriate response. In Discussion focused on identifying issues associated with managing this group of offenders in the nation's jails and prisons, with an emphasis on personal safety. Beyond our profession, awareness has continued

to emerge within the LGBT community about how correctional facilities manage, supervise, and house people from these populations. A number of national and regional organizations represent the interests of these individuals in social, legal, and political contexts. Cases being heard in courts all over the country are addressing aspects such as the provision of hormonal medications to transgender offenders, the continuation of transgender-specific medical procedures, and the development of gender awareness in areas such as housing and searches.

The government's obligation upon incarcerating a citizen is to provide for a reasonable protection of that person, as derived from the 8th and 14th Amendments to the U.S. Constitution. Correctional facilities have a duty to take reasonable measures to guarantee the safety of inmates from assault, suicide, fires and other facility dangers, and preventable illness. Correctional facility managers are charged with preventing assault and excessive use of force as well as suicide and self-harm. They must also respond to serious medical and mental health needs, as well as avoiding unconstitutional conditions of confinement.

Correctional facilities have adopted the position that any sexual behavior in the facility is a rule violation. Sex between any persons in a correctional setting is forbidden, period. Whether that behavior is homosexual, heterosexual, or bisexual is of no consequence. Our focus is on the potential for victimization, regardless of sexual orientation. Most correctional facilities have clearly defined policies on the housing, supervision, and management of heterosexual, homosexual, and lesbian offenders, but what about transgender offenders?

Housing heterosexual inmates is straightforward, all other classification factors being equal. For homosexual and lesbian inmates, many correctional facilities do not have a blanket policy of segregation. A decision to segregate homosexual or lesbian inmates is usually based upon an articulated risk, derived from current or previous institutional behavior where the need for segregation has been identified, or a request for protective custody. Protective custody may be offered with a waiver option, which the majority of our homosexual and lesbian offenders prefer to do. Inmates who can function in the general population are permitted to remain there, unless a situation arises requiring a change in status (victimizing or being victimized, consensual sexual activity, behavioral problems, etc.). Similarly, with bisexual inmates, protective custody housing typically is offered, with the inmate having the opportunity to waive out to the general population.

Transgender people typically are placed directly into protective custody with little opportunity to waive out. Some transgender persons are in the process of changing their physiognomy via sexual re-assignment when they reach our jails. The process involves counseling, lifestyle changes, hormone replacement therapy, and ultimately surgical procedures to either implant or remove breasts and to reconstruct the genitalia.

During the process of sexual re-assignment, many live as a member of the sex they plan to be. This raises questions for correctional facility managers in several spheres of our operations.

Medical care

- What different medical and mental health services must we provide to transgender offenders?
- Is there a need for a greater level of service and support for the sexual reassignment process than the jail now provides?
- What is the potential psychological impact of impeding the sexual reassignment process while the person is in jail?
- Does this impact rise to the level of a “serious medical need”?
- Who is qualified to make the determination of “serious medical need”—a general practitioner, or a specialist in sexual reassignment surgery?

There is some case law that recognizes that a person undergoing sex reassignment process has a “serious medical need” for continuation of hormone treatments. For example, see **Wolfe v. Horn**, (2001), which states that “...transsexualism [transgenderism] has been characterized as a “serious medical need...” and **Kosilek v. Maloney**, (2002). But little has been said thus far concerning the continuation of the surgical procedures. Advocates of the LGBT community would argue for continuation based upon the negative psychological and physical impact of stopping the process. For those jails holding inmates for periods of a year or less, this may be considered to have minimal impact. But some jails can house inmates for 5 years or more. What, then, are their responsibilities?

Security Questions

- Should Facilities conduct searches differently with transgender inmates based on their gender identity?
- Should Facilities match the sex of the officer conducting the search to the gender identity of the offender?
- Is it intrusive if a search of a transgender offender is conducted by a member of the opposite sex?
- Is there a perception of being violated similar to that which could be experienced by a person with female anatomy and female gender identity if searched by a male officer?
- Is there an issue of intrusiveness when a male with a female gender identity is searched by only a male officer?
- If an inmate with a female gender identity is more comfortable being pat searched by a female officer, do we comply?
- On a strip search, should there be a policy that searches of transgender inmates are conducted by a “mixed” team of one male and one female officer?
- How should we approach searches of intersex inmates?

We all acknowledge the legal requirement that strip searches are conducted by a member of the same sex (except in exigent circumstances), and we accept the legal implications of violating this caveat.

Housing Questions

- Should Facilities house inmates differently based on transgender status and gender identity?
- Should Facilities disregard physiognomy in making housing decisions?
- Should Facilities place a trans-woman in a female housing unit even though she still possesses male genitalia?
- And what about housing a person with a female physiognomy but a male gender identity with males?

Clothing Questions

- If facilities provide women with bras, do we provide trans-women with bras as well?
- Female inmates often have access to the same clothing as males, but in a jail where women wear different clothing than men, what accommodations will be made for transgender persons or those with a different gender identity?
- What about curlers and other accouterments associated with female behavior and dress—should facilities allow trans-women with male “plumbing” to have them also?

Society is changing, and correctional facilities will have to alter the way we do business to reflect these changes. Consider how the civil rights movement brought about significant changes in corrections practice. LGBT groups are pushing an agenda that could have a similar impact. Correctional facilities will be better prepared to navigate these changes if they proactively address them rather than waiting until external forces bring the issue to the forefront.

8.6 - Religious Inmates^{xliv}

In the United States religious persons and religious institutions have been associated with correctional practice since the formation of the Republic. This influence began prior to the creation of the prison system and expanded with a correctional philosophy aimed at rehabilitation. In recent times the religious institutions and legal services have assist inmates who try to practice their faith while incarcerated. Prison clergy serve as the main avenue through which incarcerated persons have access to religion. Correctional facilities hire clergy as well as other faith representatives to serve a variety of faith-based functions. The First Amendment of the United States Constitution allows, for the practice one’s religion, even for those who are incarcerated. Federal court decisions, as well as state and federal laws support this right, however, this right must not interfere with the security of the institution. Within correctional institutions religious practice is in the form of many faiths, with the most prevalent being the Judeo-Christian faith.

It is challenging to determine why an inmate becomes involved with religion. Some believe it is for seeking redemption, or a sincere attempt to better their life. A belief held by many, including by some who work in correctional facilities, is that inmates “find religion” for manipulative reasons. This might be the case in some instances, but there is evidence some inmates have been changed for the better due to their incarceration and participation in religious practice. In all probability it is for a variety of personal and practical reasons.

With the growth of the American correctional system, and the continuing ethnic and cultural diversification of society, the face of religion in prison may soon change. As prisons become more crowded, correctional officers and other staff will in all probability turn to religious leaders and volunteers to help them deal with the psychological stress which take place in a correctional setting and to accomplish some tasks. Recently there have been more secure prisons built, culminating with the super-maximum prisons where inmates are isolated from other inmates and staff up to 23 hours a day. Such environments are not conducive to social interaction, meaning the reduction of group religious practices. This will result in the need for a change in practice for religious ministries and may cause an increase in individual forms of “spirituality” and religious reflection.

The United States is a multi-cultural society and requires a level of sensitivity towards diversity of faiths. Clergy representatives will may be asked to develop and implement programs designed to reduce racial, religious or cultural conflict. This is significant to faith representatives who will need to be well-versed in a variety of faiths and cultural perspectives. As the prison population grows, more inmates will eventually be released back into society. This means programs with the goal of successful reintegration of inmates back into the community will need the help of religious personnel to promote positive family relationships, maybe even assistance with finding housing and employment. Whatever changes take place in society, it is probable that religious programs and practices in correctional settings will continue to be an active part of prison life.

8.7 - Myths and Stereotypes of Inmates and the Prison System^{xlv}

What will it take to undo the mass incarceration (and over-criminalization) policies and practices that have taken root in our public policy while recognizing the need for sound policy to prevent and control crime? In the last four decades, U.S. policies and practices have emphasized incarceration as the only legitimate punishment. This has created an insatiable appetite— resulting in the policies and practices of mass incarceration. The costs of administering incarceration policies have affected nearly all aspects of our society. Look at the numbers: The U.S. has an incarceration rate of 756 per 100,000 (the largest in the world) and holds 23% of the people incarcerated around the world (see pewcenteronthestates.com; Walmsley, 2007). In addition, 1 in 23 Americans aged 18 to 65 is involved in the justice system; 1 in 28 children have a parent incarcerated, and 1 in 5 American adults have a criminal record (Glaze, 2009; Glaze & Maruschak, 2009; O’Brien & Darrow, 2007). Current policies and practices

affect the ability of people to resume full citizenship and become contributing members of society. That is, these practices present “brick walls.” If we intend to “undo” the consequences while protecting public safety, we have to begin by addressing some common misconceptions. Only then can we forge a pathway toward effective policy that protects public safety and justice while reducing costs and offending behaviors.

Myth #1:

Once an offender, always an offender. Involvement with the justice system essentially labels a person an “offender.” This label affects an individual’s ability to retain status as a productive member of the community by, for example, limiting housing and employment options so severely that many cannot live or work successfully. Additionally, felon offenders lose (sometimes permanently) the ability to vote and participate in our democracy, which in turn stigmatizes and hinders productive societal participation. These collateral consequences build on the premise that once a person is an offender, a person will always be an offender. Despite the prominence of this thinking, data reveals that 42% individuals in jail, 20% in prison, and 50% under probation and parole supervision are first time offenders. Anywhere from 12 to 20% of those involved in the justice system can be considered persistent offenders.

The impression that all offenders are persistent emerges from the difficulties in measuring outcomes. The widely cited 70% recidivism refers to felons in 15 states (see Langan & Levin, 2002) and does not recognize that there are patterns in reoffending. Recidivism is the general concept that these references, but recidivism can consist of: arrest for a new crime, conviction for a new crime, reincarceration for a new crime, or various outcomes for violating the conditions of release (on probation or parole supervision). The tendency is to treat recidivism as a “terminal” or final condition (it happened, or it did not). However, this does not take into account that involvement in the justice system—which is like many physical and mental health disorders—has reoccurring phases. It does not recognize that there may be significant breaks in offending behavior (remission) and that reoccurrences may be due to situational or opportunity factors. Nor does it recognize that younger (18-28) and males are more likely to recidivate as are those who started their involvement in criminal behavior at an earlier age. Thus, not all criminally involved individuals will live a life of recycling through the justice system, in fact, most will not.

Myth #2:

Mass incarceration reduces crime. For the last 20 years, the crime rate in the U.S. has been falling. As a result of the “war on drugs”, the crime rate hit a high in the early 1990s. Since that time, it has fallen to record lows (see the Uniform Crime Reports at <http://www.ucrdatatool.gov>). Despite a decreasing crime rate, the number of people involved in the justice system during that time ballooned by 293% (Bonczar 2003; Bureau of Justice Statistics Correctional Surveys, 2009). Today, nearly 8 million American adults and 650,000 youth are involved with the justice system (see Pew Foundation, 2009; Taxman, Perdoni, &

Harrison, 2007). Some attribute the decline in the crime rate to the rising use of jail and prison. Others report that jail and prison overcrowding is due to policies that have increased lengths of stay in prison/jail. These policies include mandatory minimums, increased incarceration periods, increased conditions attached to probation and parole, increased technical violations and the failure of parole boards to release offenders. While the incarceration of persistent offenders has probably affected the crime rate, the same policies for drug and misdemeanor offenders has only served to expand the incarceration population and intensify problems associated with offenders resuming life in their communities.

Myth #3:

Severe sentences produce the best outcomes. Punishment as a means of providing hard treatment to convey disapproval for wrongdoing is driven by four primary goals: incapacitation, retribution, deterrence, and rehabilitation. The last 30+ years in the U.S. de-emphasized rehabilitative goals, favoring prison/jail as the only real punishment capable of incapacitating, deterring and imposing “just desserts” on offenders. However, there is growing evidence to show that the swiftness and certainty of punishment provides a greater deterrent effect to many crimes than the severity of sanction. In fact, fear-provoking sanctions may yield unintended consequences that decrease, not increase, the sense of control citizens have over their lives (Braithwaite & Pettit 1990) provoking recidivism. Yet, U.S. sentence lengths are virtually unmatched. For example, comparing 1994 U.S. with 1995 U.K sentences reveals startling disparities. The U.S. incarcerates approximately 4 years longer for rape and robbery, 3 years longer for murder and assault, 2 years for burglary and 1 year for motor vehicle theft. Yet, recidivism in the UK is significantly less than in the U.S. The average sentence in the US is an average of six months longer than in 1988. Together with the steep increase in the number of people going to prison, this has resulted in policies of mass incarceration. This brings up an important query: Can informal sanctions serve as an alternative form of punishment that satisfies key punitive goals while keeping undesired and/or criminal conduct to a manageable level?

To this end, Petersilia & Deschenes’ (1994) study (among others) of inmates and correctional staff views of penal severity compared with community sanctions finds that roughly one year in prison is considered the punitive equal to three years of intensive supervision probation (ISP). In a similar study, researchers found that one-third of prisoners preferred prison to community supervision because of the conditions attached to supervision. Considering the social, psychological and resource cost-savings provided by ISP over prison, community sanctions might provide a viable avenue for “undoing” mass incarceration while maintaining swift and certain sanctions. Additionally, decreased reliance on prison as the primary—and in many cases first and only—source of punishment will also help eliminate some of the glaring inequality present when offender characteristics (e.g., race, gender, employment history) are valued differently by discretionary systems and actors within pre-prison justice processes.

Myth #4:

Community sanctions do not work. Essentially the U.S. does not have a system of community punishments (sanctions). There is very little available between standard probation (reporting) and incarceration (prisons or jail). Instead, we have a probation system designed to trap people into a life of involvement with the justice system. The current system does not incorporate existing science (evidence-based practices) about effective treatments or punishments that reduce recidivism. Rather, it builds on the premise that real punishment emerges from incarceration. The failure to use existing science in crime policy contributes to the continued use of expensive (incarceration) means to punish people. Although nearly 70% of those involved in the justice system are on probation or parole, the probation and parole in the U.S. is underfunded and undervalued (Taxman, Perdoni, & Harrison, 2007). The average daily cost to keep an individual on probation is \$3.82 a day versus \$78.95 for imprisonment (Pew Foundation, 2009). Instead of using probation as a legitimate sanction, probation has become a feeding ground for further involvement in the justice system through conditions that do not serve to address dynamic patterns that are likely to be criminogenic (result in further involvement in criminal behavior). Increased and irrelevant (not related to preventing or addressing criminal behavior) conditions mean more opportunities to fail probation and parole and exacerbate the problem. Probation supervision that uses the principles of behavioral management (an evidencebased practice) instead of mere law enforcement can reduce recidivism and technical violations, yet few probation agencies use this type of supervision. Overall, evidence-based practices are available but underutilized in correctional settings.

Further, while we know that 80% of offenders have substance use disorders, the existing system provides treatment for less than 10 % of the offenders who need these services (Taxman, Perdoni, & Harrison, 2007). Even more troubling is that the available programs insufficiently meet participants' needs. To be effective, we need to expand the use of drug treatment courts (offering treatment for one year), cognitive behavioral therapy, use of motivational enhancement techniques, and employment programs that focus on social supports. We need resources to integrate evidence-based practices into community punishments. Building a community capacity to address crime problems encourage implementation of more cost-effective strategies.

Myth #5:

Incarceration only affects offenders. When an individual is involved in the criminal justice system, families and communities are also involved. One in 28 youth have a parent in prison or jail, which means that the children are separated from their families during critical developmental periods. It also means that youth experience the criminal justice system via visiting a parent in jail/prison, going to court, or dealing with the loss of the individual in their daily life. Since over 90% of inmates are male, this means that many youths may only develop relationship with a key male role model within the confines of the justice system. Incarceration affects life prospects including reduced hourly wages for men by approximately 11%, reduced

annual employment by 9 weeks, and reduced annual earnings by 40%. By age 48, the typical former inmate will have earned \$179,000 less than individuals not involved in the justice system (Western & Pettit, 2010).

Recent attention focuses on the concentration of people involved in the justice system in certain communities. In New York City, neighborhoods that are home to 18% of the city's adult population account for more than 50% of prison admissions each year. A similar trend appears in Wichita, Kansas where one-quarter of all people on probation or parole live in only 8% of the city's neighborhoods. In Austin, Texas, three neighborhoods are home to only 3.5% of the city's adult population, but they grapple with over 17% of people returning from prison each year. *(See <http://www.justicemapping.org/about-us/> for more information).

Incarceration policies particularly affect communities where the return of individuals is concentrated with increased STDs, pregnancy rates, and lack of male role models. Incarceration-only policies have many costs attached to them, including disengaging people from productive citizenship, desensitizing the population to the adverse effects of incarceration and a criminal lifestyle, and stripping communities of potentially valuable, tax-paying members. Regrouping from this 30-year emphasis on incarceration will require dealing with these myths and recognizing that the criminal justice system and society at-large can benefit from seeking community-based punishments that prevent and address societal problems. To that end, we need to "undo" our focus on incarceration by pursuing a range of punishments that address the underlying cause of criminal behavior.

?

Think about it . . . "Women's Treatment in Prison"

According to the Federal Bureau of Prisons their mission are core values are as follows

Our Mission is to:

- Protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and secure.
- Provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Core Values guide everything we do:

- Correctional Excellence – we are correctional workers first, committed to the highest level of performance.
- Respect – we embrace diversity and recognize the value and dignity of staff, inmates, and the general public.
- Integrity – we demonstrate uncompromising ethical conduct in all our actions.

In this chapter, we explored corrections and specific needs of the unique populations in the prison setting. If prisons the goal and mission to provide offenders rehabilitation, they must address each offender specifically. We cannot treat all offenders the same. Go to the activity below to better understand the needs of women in prison.



Act It Out! Understands Women's Special Needs in Prison

In this exercise we are going to look at women and their special needs in order to become law-abiding citizens. The Bureau of Prison program below addresses women and the relationships they created.

"Women's Relationships Gender-responsive program at FPC Bryan Female inmates at the Federal Prison Camp, Bryan, Texas, have a unique opportunity to address the challenges of incarceration and to address some of the issues that led to their involvement in the criminal justice system. To date approximately 100 women have participated in the structured intervention program entitled "Women's Relationships." This program assists female inmates in understanding and maintaining healthy connections within and outside prison. A recent graduate of the program, Dora Arreguy, noted that many of the women at Bryan have relationship issues or hurdles to overcome, and she believes the class helped each one in a different way: "It helped me realize that I need to do what is best for my relationship with myself before I can expect to move forward to better relationships with others." Marne Boyle, Warden at Bryan and leader of the treatment group, emphasized the need for individual engagement with the inmates: "You can read about women all day, but you really get to know them as people and understand their struggles when you lead them in programs." Women's Relationships is an important program for female inmates in the Bureau of Prisons, many of whom cite unhealthy relationships as their pathway to prison".

In groups, discuss the following issues and prepare a report to present to the class:

1. Explain why men and women go to prison, what crimes they commit, how are they similar and how are they different?
2. Why is it important for correctional professionals to understand and address these issues?
3. What impact to you feel specialized programs such as the one discussed above on rehabilitation? Why or why not? Support your answer with information from the readings.
4. How does the program align with the mission and core values of the Bureau of Prisons?
5. Present your findings to the class.
6. Provide feedback to fellow student's presentations. What did you agree with? How did your finding differ?

Chapter 9 - Multicultural Treatment Considerations in Corrections^{xlvi}

Key Learning Objectives:

- Be able to identify the importance of providing culturally specific treatment to offenders in a correctional setting.
- Identify key issues in treating offenders based on their ethnicity.
- Understand the “Stages of Change” in offender rehabilitation.
- Identify the importance of case management with an understanding of race and culture in offender rehabilitation.

9.1 - Culturally Responsive Evaluation and Treatment Planning

This section offers correctional staff guidance in providing and facilitating culturally responsive interviews, assessments, evaluations, and treatment planning. Correctional professionals: prison guards, correctional counselors, probation officers, parole agents and others involved in the rehabilitation of offenders have a dual role when dealing with offenders. On one hand, they must protect the community/institution and ensure the offender complies with court orders. However, in order to also aid the offender in rehabilitation, they must develop a rapport with the offender. This is often a difficult role to balance; however, it is best to describe this as an authoritative relationship similar to parent/child relationship. Correctional professionals can provide the best treatment services when the offender is receptive to the officer’s guidance. This section provides direction on how officers can develop rapport while maintaining professionalism.

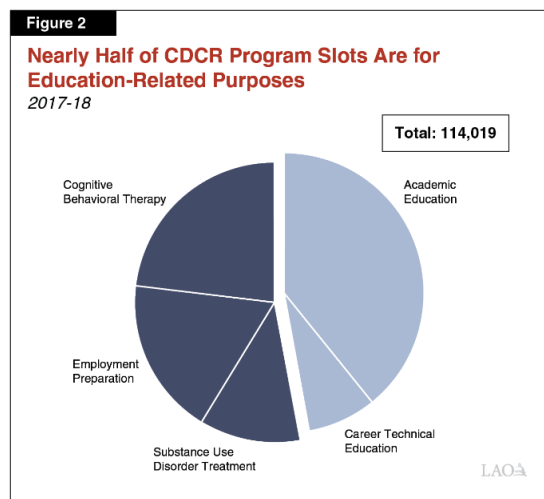


Figure 9.1 Diagram of [California Department of Corrections and Rehabilitation Program budget](#) funding. Image is in the public domain.

Step 1: Engage Offender

The initial contact with the offender is vital for success. Often times they stand on the far side of a yet-to-be-established therapeutic relationship. At the outset of treatment, offender can feel scared, vulnerable, and uncertain about whether treatment will really help. They may even be ambivalent that you are there to help them and only intend to catch them doing wrong. To engage the offender, the correctional professional should try to establish rapport and set the tone of the interaction. It is important to provide the expectations and requirements of treatment, so they understand what to do and how to act. It is also important to provide possible consequences of non-compliance. Some offenders feel that a single violation will result in incarceration or additional days. So, when they fail, or even a minor misstep occurs, they give up. It's important to let them know that not all failures will result in custody sanctions.

Step 2: Familiarize Offender and Their Families with Treatment and Evaluation Processes

Behavioral health treatment facilities located in prisons and in the community maintain their own culture (i.e., the treatment milieu). Correctional professionals, counselors, and agency administrators can easily become accustomed to this culture and assume that offenders are used to it as well. However, offenders are typically new to treatment language or jargon, program expectations and schedules, and the intake and treatment process. Unfortunately, offender from diverse racial and ethnic groups can feel more estranged and disconnected from treatment services when staff members fail to educate them and their families about treatment expectations or when the offenders are not walked through the treatment process, starting with the goals of the initial intake and interview. By taking the time to acclimate offenders and their families to the treatment process, correctional professionals, counselors and other behavioral health staff members tackle one obstacle that could further impede treatment engagement and retention among racially and ethnically diverse offender.

Step 3: Endorse Collaboration in Interviews, Assessments, and Treatment Planning

Most offenders are unfamiliar with the evaluation and treatment planning process and how they can participate in it. Often times they just expect to be told what to do or suffer a sanction if they fail to comply. However correctional professionals are now engaging offenders and making them part of the treatment process. This is often a bit strange for offenders who often resent authority and don't trust officers. Again, this is why the initial meeting with offenders are vital. Establishing a quasi-parental role that provides structure and support is important. It is also necessary for the offender to provide personal information, so the case plan is accurate. Some offenders may view the initial interview and evaluation as intrusive if too much information is requested or if the content is a source of family dishonor or shame. Other offender may resist or distrust the process based on a long history of racism and oppression.

Still others feel inhibited from actively participating because they view the counselor as the authority or sole expert.



Figure 9.2 Inmate substance abuse treatment. Bureau of Prison photo. [Image](#) is in the public domain.

Step 4: Integrate Culturally Relevant Information and Themes

By exploring culturally relevant themes, correctional professionals can more fully understand their offender and identify their cultural strengths and challenges. For example, a Korean woman's family may serve as a source of support and provide a sense of identity. At the same time, however, her family could be ashamed of her and respond to her treatment as a source of further shame because it encourages her to disclose personal matters to people outside the family. The following section provides a brief overview of suggested strength-based topics to incorporate into the intake and evaluation process.

Immigration History

Immigration history can shed light on offender's support systems and identify possible isolation or alienation. Some immigrants who live in ethnic enclaves have many sources of social support and resources. By contrast, others may be isolated, living apart from family, friends, and the support systems extant in their countries of origin. Culturally competent evaluation should always include questions about the offender's country of origin, immigration status, length of time in the United States, and connections to his or her country of origin. Ask American-born offender about their parents' country of origin, the language(s) spoken at home, and affiliation with their parents' culture(s). Questions like these give the correctional professional important clues about the offender's degree of acculturation in early life and at present, cultural identity, ties to culture of origin, potential cultural conflicts, and resources. Specific questions should elicit information about:

- Length of time in the United States, noting when immigration occurred or the number of generations who have resided in the United States.
- Frequency of returns and psychological and personal ties to the country of origin.
- Primary language and level of English proficiency in speaking and writing.
- Psychological reactions to immigration and adjustments made in the process.
- Changes in social status and other areas as a result of coming to this country.
- Major differences in attitudes toward alcohol and drug use from the time of immigration to now.

Step 5: Gather Culturally Relevant Collateral Information

An offender who needs behavioral health treatment services may be unwilling or unable to provide a full personal history from his or her own perspective and may not recall certain events or be aware of how his or her behavior affects his or her well-being and that of others. Collateral information—supplemental information from sources other than the offender—can be derived from family members, medical and court records, probation and parole officers, police reports, community members, and others. Collateral information should include culturally relevant information obtained from the family, such as the organizational memberships, beliefs, and practices that shape the offender’s cultural identity and understanding of the world.

As families can be a vital source of information, correctional professionals are likely to attain more support by engaging families earlier in the treatment process. Although interactions with family members are often limited to a few office or field visits, the families of racially and ethnically diverse offenders tend to play a more significant and influential role in offender’s participation in treatment. Consequently, special sensitivity to the cultural background of family members providing collateral information is essential. Families, like offenders, cannot be easily defined in terms of a generic cultural identity (Congress 2004; Taylor et al. 2012). Even families from the same racial background or ethnic heritage can be quite dissimilar, thus requiring a multidimensional approach in understanding the role of culture in the lives of offender and their families.

Step 6: Select Culturally Appropriate Screening and Assessment Tools

Correctional professionals and service providers should be able to use assessment and screening information in culturally competent ways. This section discusses several instruments and their appropriateness for specific cultural groups. Correctional professionals should continue to explore the availability of mental health and substance abuse screening and assessment tools that have been translated into or adapted for other languages.

Step 7: Determine Readiness and Motivation for Change

Offenders enter treatment programs at different levels of readiness for change. Even offenders who appear to be willing to engage in treatment could have been pushed into it by external pressures to accept treatment before reaching the action stage. (For example, wanting to earn credit for early release, or going to treatment just to avoid incarceration.) These different readiness levels require different approaches. The strategies involved in motivational interviewing can help correctional professionals prepare culturally diverse offenders to change their behavior and keep them engaged in treatment. To understand motivational interviewing, it is first necessary to examine the process of change that is involved in recovery.

Stages of Change

Prochaska and DiClemente's (1984) classic transtheoretical model of change is applicable to culturally diverse populations. This model divides the change process into several stages:

- **Precontemplation.** The individual does not see a need to change. For example, a offender at this stage who abuses substances does not see any need to alter use, denies that there is a problem, or blames the problem on other people or circumstances.
- **Contemplation.** The offender becomes aware of a problem but is ambivalent about the course of action. For instance, a person struggling with anger issues recognizes that the anger and violence has affected his or her life and thinks about getting help but remains ambivalent on how he/she may do this.
- **Preparation.** This offender has determined that the consequences of his or her behavior are too great, and that change is necessary. Preparation includes small steps toward making specific changes, such as when a person who is overweight begins reading about wellness and weight management. The offender still engages in poor health behaviors but may be altering some behaviors or planning to follow a diet.
- **Action.** The offender has a specific plan for change and begins to pursue it. In relation to substance abuse, the offender has engaged in a drug assessment prior to becoming abstinent from alcohol and drugs.
- **Maintenance.** The offender continues to engage in behaviors that support his or her decision. For example, an offender with prior domestic violence issues follows a daily relapse prevention plan that helps him or her assess warning signs of an angry or violent episode and reminds him or her of the importance of engaging in help-seeking behaviors to minimize the severity of an episode.

Progress through the stages is nonlinear, with movement back and forth among the stages at different rates. It is important to recognize that change is not a one-time process, but rather, a series of trials and errors that eventually translates to successful change. For example, people who are dependent on substances often attempt to abstain several times before they are able to acquire long-term abstinence.

Culture of Commitment Effects

"Selling" style of leadership, uses motivation and inspiration to promote change, proactive style, and prioritizes group progress



Figure 9.3 [Lead people effectively not efficiently](#). Airforce Global Strike Command. Image is in the public domain.

Motivational Interviewing

Motivational interventions assess a person's stage of change and use techniques likely to move the person forward in the sequence. Miller and Rollnick (2002) developed a therapeutic style called motivational interviewing, which is characterized by the strategic therapeutic activities of expressing empathy, developing discrepancy, avoiding argument, rolling with resistance, and supporting self-efficacy. The counselor's major tool is reflective listening and soliciting change talk.

This nonconfrontational, offender-centered approach to correctional interviews differs significantly from traditional correctional interviews in several ways, creating a more balanced relationship. In this dialog, it's not about telling the offender what to do, it's about letting the offender come to the conclusion he or she needs to make changes in their lives. Motivational interviewing is a highly successful technique that take time to master. However, once successful in this technique, the correctional professional becomes a much better communicator. A wise statement was made – "You can lead a horse to water, but you can't make him drink." This can

be true for offenders. We can provide the offender treatment resources, but until he or she decides it's important to them, they will not be successful.

Step 8: Provide Culturally Responsive Case Management

Offenders from various racial, ethnic, and cultural populations participating in behavioral health services may face additional obstacles that can interfere with or prevent access to treatment and ancillary services, compromise appropriate referrals, impede compliance with treatment recommendations, and produce poorer treatment outcomes. Obstacles may include immigration status, lower SES, language barriers, cultural differences, and lack of or poor coverage with health insurance.

Proper case management provides a single professional contact through which offender's gain access to a range of services. The goal is to help assess the need for and coordinate social, health, and other essential services for each offender. Case management can be an immense help during treatment and recovery for a person with limited English literacy and knowledge of the treatment system. Case management focuses on the needs of individual offender and their families and anticipates how those needs will be affected as treatment proceeds. The correctional professional at times advocates for the offender, easing the way to effective treatment by assisting the offender with critical aspects of life (e.g., food, childcare, employment, housing, legal problems).

Step 9: Incorporate Cultural Factors into Treatment Planning

The cultural adaptation of treatment practices is a burgeoning area of interest, yet research is limited regarding the process and outcome of culturally responsive treatment planning in behavioral health treatment services for diverse populations. How do correctional professionals and prisons/jails respond culturally to the diverse needs of offenders in the treatment planning process? How effective are culturally adaptive treatment goals? Typically, programs that provide culturally responsive services approach treatment goals holistically, including objectives to improve physical health and spiritual strength (Howard 2003). Newer approaches stress implementation of strength-based strategies that fortify cultural heritage, identity, and resiliency.

Treatment planning is a dynamic process that evolves along with an understanding of the offender' histories and treatment needs. Foremost, correctional professionals should be mindful of each offender's linguistic requirements and the availability of interpreters. Correctional professionals should be flexible in designing treatment plans to meet offender specific criminogenic needs and, when appropriate, should draw upon the institutions and resources of offender' cultural communities. Culturally responsive treatment planning is achieved through active listening and should consider offender's values, beliefs, and expectations. Offender's health beliefs and treatment preferences (e.g., purification ceremonies for Native American offender) should be incorporated in addressing specific

presenting problems. Some people seek help for psychological concerns and substance abuse from alternative sources (e.g., clergy, elders, social supports). Others prefer treatment programs that use principles and approaches specific to their cultures. Correctional professionals can suggest appropriate traditional treatment resources to supplement clinical treatment activities.

In sum, clinicians need to incorporate culture-based goals and objectives into treatment plans and establish and support open offender– counselor dialog to get feedback on the proposed plan’s relevance. Doing so can improve offender’s engagement in treatment services, compliance with treatment planning and recommendations, and treatment outcomes, thereby reducing recidivism and reducing new crime.

9.2 - Counseling for Races Introduction

Culture is a primary force in the creation of a person’s identity. Correctional professionals who are culturally competent are better able to understand and respect their offenders’ identities and related cultural ways of life. This chapter proposes strategies to engage offenders of diverse racial and ethnic groups (who can have very different life experiences, values, and traditions) in treatment. The major racial and ethnic groups in the United States covered in this chapter are African Americans, Asian Americans (including Native Hawaiians and other Pacific Islanders), Latinos, Native Americans (i.e., Alaska Natives and American Indians), and White Americans. In addition to providing epidemiological data on each group, the chapter discusses salient aspects of treatment for these racial/ethnic groups, drawing on clinical and research literature. This information is only a starting point in gaining cultural knowledge as it relates to behavioral health. Understanding the diversity within a specific culture, race, or ethnicity is essential; not all information presented in this chapter will apply to all individuals. The material in this chapter has a scientific basis, yet cultural beliefs, traditions, and practices change with time and are not static factors to consider in providing services for offenders, families, or communities.

Although these broad racial/ethnic categories are often used to describe diverse cultural groups, the differences between two members of the same racial/ethnic group can be greater than the differences between two people from different racial/ethnic groups (Lamont and Small 2008; Zuckerman 1998). It is not possible to capture every aspect of diversity within each cultural group. Correctional professional workers should acknowledge that there will be many individual variations in how people interact with their environments, as well as in how environmental context affects behavioral health. However, to provide a framework for understanding many diverse cultural groups, some generalizations are necessary; thus, broad categories are used to organize information in this chapter. Correctional professionals are encouraged to learn as much as possible about the specific populations they serve.

9.3 - Treatment for Black Americans

According to the 2010 U.S. Census definition, African Americans or Blacks are people whose origins are “in any of the black racial groups of Africa” (Humes et al. 2011, p. 3). The term includes descendants of African slaves brought to this country against their will and more recent immigrants from Africa, the Caribbean, and South or Central America (many individuals from these latter regions, if they come from Spanish-speaking cultural groups, identify or are identified primarily as Latino). The term “Black” is often used interchangeably with African American, although sometimes the term “African American” is used specifically to describe people whose families have been in this country since at least the 19th century and thus have developed distinct African American cultural groups. “Black” can be a more inclusive term describing African Americans as well as more recent immigrants with distinct cultural backgrounds.

Beliefs About and Traditions Involving Substance Use

In most African American communities, significant alcohol or drug use may be socially unacceptable or seen as a sign of weakness (Wright 2001), even in communities with limited resources, where the sale of such substances may be more acceptable. Overall, African Americans are more likely to believe that drinking and drug use are activities for which one is personally responsible; thus, they may have difficulty accepting alcohol abuse/dependence as a disease (Durant 2005).

Mental and Co-Occurring Disorders

A number of studies have found biases that result in African Americans being over diagnosed for some disorders and underdiagnosed for others. African Americans are less likely than White Americans to receive treatment for anxiety and mood disorders, but they are more likely to receive treatment for drug use disorders (Hatzenbuehler et al. 2008). In one study evaluating post-traumatic stress disorder (PTSD) among African Americans in an outpatient mental health clinic, only 11 percent of offenders had documentation referring to PTSD, even though 43 percent of the offenders showed symptoms of PTSD (Schwartz et al. 2005). Black immigrants are less likely to be diagnosed with mental disorders than are Blacks born in the United States (Burgess et al. 2008; Miranda et al. 2005b).

African Americans are more likely to be diagnosed with schizophrenia and less likely to be diagnosed with affective disorders than White Americans, even though multiple studies have found that rates of both disorders among these populations are comparable (Baker and Bell 1999; Bresnahan et al. 2000; Griffith and Baker 1993; Stockdale et al. 2008; Strakowski et al. 2003). African Americans are about twice as likely to be diagnosed with a psychotic disorder as White Americans and more than three times as likely to be hospitalized for such disorders. These differences in diagnosis are likely the result of clinician bias in evaluating symptoms (Bao et al. 2008; Trierweiler et al. 2000; Trierweiler et al. 2006). Clinicians should be aware of bias in

assessment with African Americans and with other racial/ethnic groups and should consider ways to increase diagnostic accuracy by reducing biases. For an overview of mental health across populations, refer to *Mental Health United States, 2010* (SAMHSA 2012a).

In some African American communities, incidence and prevalence of trauma exposure and PTSD are high, and substance use appears to increase trauma exposure even further (Alim et al. 2006; Breslau et al. 1995; Curtis-Boles and Jenkins-Monroe 2000; Rich and Grey 2005). Black women who abuse substances report high rates of sexual abuse (Ross-Durow and Boyd 2000). Trauma histories can also have a greater effect on relapse for African American offenders than for offenders from other ethnic/racial groups (Farley et al. 2004). There are few integrated approaches to trauma and substance abuse that have been evaluated with African American offenders, and although some have been found effective at reducing trauma symptoms and substance use, the extent of that effectiveness is not necessarily as great as it is for White Americans (Amaro et al. 2007; Hien et al. 2004; SAMHSA 2006).

Treatment Patterns

African Americans may be less likely to receive mental health services than White Americans. In the Baltimore Epidemiologic Catchment Services Area study conducted during the 1980s, African Americans were less likely than White Americans to receive mental health services. However, at follow-up in the early 1990s, African American respondents were as likely as White Americans to receive such services, but they were much more likely to receive those services from general practitioners than from mental health specialists (Cooper-Patrick et al. 1999). Stockdale et al. (2008) analyzed 10 years of data from the National Ambulatory Medical Care Survey; they found significant improvements in diagnosis and care for mental disorders among African Americans in psychiatric settings between 1995 and 2005, but they also found that disparities persisted in the diagnosis and treatment of mental disorders in primary care settings. Fortuna et al. (2010) suggest that persistent problems exist in the delivery of behavioral health services, as evidenced by lower retention rates for treating depression.

Even among people who enter substance abuse treatment, African Americans are less likely to receive services for CODs. A study of administrative records from substance abuse and mental health treatment providers in New Jersey found that African Americans were significantly more likely than White Americans to have an undetected co-occurring mental disorder, and, if detected, they were significantly less likely than White Americans or Latinos to receive treatment for that disorder (Hu et al. 2006). Among persons with substance use disorders and co-occurring mood or anxiety disorders, African Americans are significantly less likely than White Americans to receive services (Hatzenbuehler et al. 2008). African Americans who do receive services for CODs are more likely to obtain them through substance abuse treatment programs than mental health programs (Alvidrez and Havassy 2005).

African Americans are over represented among people who are incarcerated in prisons and jails (for review, see Fellner 2009), and a substantial number of those who are incarcerated (64.1 percent of jail inmates in 2002) have substance use disorders (Karberg and James 2005) and

mental health problems (SAMHSA 2012a). However, according to Karberg and James 2005), African Americans with substance dependence disorders who were in jail in 2002 were less likely than White Americans or Latinos to participate in substance abuse treatment while under correctional supervision (32 percent of African Americans participated compared with 37 percent of Latinos and 45 percent of White Americans). In the 2010 TEDS survey, African Americans entering treatment were also less likely than Asian Americans, White Americans, Latinos, Native Hawaiians/Pacific Islanders, or American Indians in the same situation to be referred to treatment through the criminal justice system (SAMHSA, CBHSQ 2012). Notwithstanding, African Americans are more likely to be referred to treatment from criminal justice settings rather than self-referred or referred by other sources (Delphin-Rittmon et al. 2012)

Beliefs and Attitudes About Treatment

According to 2011 NSDUH data, African Americans were, next to Asian Americans, the least likely of all major ethnic and racial groups to state a need for specialized substance abuse treatment (SAMHSA, CBHSQ 2013a). Still, logistical barriers may pose a greater challenge for African Americans than for members of other major racial and ethnic groups. For example, 2010 NSDUH data regarding individuals who expressed a need for substance abuse treatment but did not receive it in the prior year indicate that African Americans were more likely than members of other major ethnic/racial groups to state that they lacked transportation to the program or that their insurance did not cover the cost of such treatment (SAMHSA 2011a). African Americans experience several challenges in accessing behavioral health treatment, including fears about the therapist or therapeutic process and concerns about discrimination and costs (Holden et al. 2012; Holden and Xanthos 2009; Williams et al. 2012).

Longstanding suspicions regarding established healthcare institutions can also affect African Americans' participation in, attitudes toward, and outcomes after treatment (for review, see Pieterse et al. 2012). Historically, the mental health system has shown bias against African Americans, having been used in times past to control and punish them (Boyd-Franklin and Karger 2012; Jackson 2003). After controlling for socioeconomic factors, African Americans are significantly more likely to perceive the healthcare system as poor or fair and significantly more likely to believe that they have been discriminated against in healthcare settings (Blendon et al. 2007). Attitudes toward psychological services appear to become more negative as psychological distress increases (Obasi and Leong 2009). In many African American communities, there is a persistent belief that social and treatment services try to impose White American values, adding to their distrust of the treatment system (Larkin 2003; Solomon 1990).

Treatment Issues and Considerations

African American offenders generally respond better to an egalitarian and authentic relationship with counselors and other correctional professionals (Sue 2001). Paniagua (1998) suggests that in the initial sessions with African American offenders, correctional professionals should develop a collaborative offender–counselor relationship. Correctional professionals

should request personal information gradually rather than attempting to gain information as quickly as possible, avoid information-gathering methods that offenders could perceive as an interrogation, pace the session, and not force a data-gathering agenda (Paniagua 1998; Wright 2001). Correctional professionals must also establish credibility with offenders (Boyd-Franklin 2003).

Next, correctional professionals should establish trust. Self-disclosure can be very difficult for some offenders because of their histories of experiencing racism and discrimination. These issues can be exacerbated in African American men whose experience of racism has been more severe or who have had fewer positive relationships with White Americans (Reid 2000; Sue 2001). Correctional professionals, therefore, need to be willing to address the issue of race and to validate African American offenders' experiences of racism and its reality in their lives, even if it differs from their own experiences (Boyd-Franklin 2003; Kelly and Parsons 2008). Moreover, racism and discrimination can lead to feelings of anger, anxiety, or depression. Often, these feelings are not specific to any given event; rather, they are pervasive (Boyd-Franklin et al. 2008). Correctional professionals should explore with offenders the psychological effects of racism and develop approaches to challenge internal negative messages that have been received or generated through discrimination and prejudice (Gooding 2002).

Family therapy

African American offenders appear more likely to stay connected with their families throughout the course of their addiction. For instance, Bourgois et al. (2006) reported that in comparing African American and White American individuals who injected heroin, African Americans appeared to be more likely to maintain contact with their extended families. Some research also suggests that African Americans with substance use disorders are more likely to have family members with histories of substance abuse, suggesting an even greater need to address substance abuse within the family (Brower and Carey 2003).

Strong family bonds are important in African American cultural groups. African American families are embedded in a complex kinship network of biologically related and unrelated persons. Hence, correctional professionals should be willing to expand the definition of family to a more extended kinship system (Boyd-Franklin 2003; Hines and Boyd-Franklin 2005). Offenders need to be asked how they define family, whom they would identify as family or "like family," who resides with them in their homes, and whom they rely on for help. Hines and Boyd-Franklin (2005) discuss the importance of both blood and nonblood kinship networks for African American families. To build a support network for African American offenders, correctional professionals should start by asking offenders to identify people (whether biological kin or not) who would be willing and able to support their recovery and then ask offenders for permission to contact those people and include them in the treatment process.

Group therapy

Because of the communal, cooperative values held by many African Americans, group therapy can be a particularly valuable component of the treatment process (Sue and Sue 2013b). A strong oral tradition is one of many forms of continuity with African tradition maintained in the African American experience; therefore, speaking in groups is generally acceptable to African American offenders. However, Bibb and Casimer (2000) note that Black Caribbean Americans can be less comfortable with the group process, particularly the requirement that they self-disclose personal problems to people who are relative strangers. African Americans seem less likely to self-disclose about the past in group settings that include non-Hispanic Whites (Johnson et al. 2011; Richardson and Williams 1990). Consequently, groups composed only of African Americans can be more beneficial. Homogenous African American groups can also be good venues for offenders to deal with systemic problems, such as racism and lack of economic opportunities in the African American community (Jones et al. 2000).

Mutual-help groups

A variety of mutual-help groups are available for African Americans entering recovery from substance use and mental disorders. However, most of the literature focuses on 12-Step groups, including Alcoholics Anonymous (AA) and Narcotics Anonymous. Some find that the 12-Step approach warrants careful consideration with African Americans, who can find the concept of powerlessness over substances of abuse to be too similar to experiences of powerlessness via discrimination. Additionally, the disease concept of addiction presented in 12-Step meetings can be difficult for many African Americans (Durant 2005). In some instances, the Black community has changed the mutual-help model for substance use and mental health to make it more empowering and relevant to African American participants. For additional information on the 12 Steps for African Americans, visit Alcoholics Anonymous World Services (AAWS), AA for the Black and African American Alcoholic, available online (http://www.aa.org/pdf/products/p-51_CanAAHelpMeToo.pdf).

Relapse prevention and recovery

African Americans appear to be responsive to continuing care participation and recovery activities associated with substance use and mental disorders, yet research is very limited. According to NESARC data (Dawson et al. 2005), African Americans in recovery from alcohol dependence were more than twice as likely as White Americans to maintain abstinence rather than just limiting alcohol consumption or changing drinking patterns. In another study analyzing the use of continuing care following residential treatment in the U.S. Department of Veterans Affairs care system, African American men were significantly more likely than White Americans to participate in continuing care (Harris et al. 2006). Other research evaluating continuing care for African American men who had been mandated to outpatient treatment by a parole or probation office found that participants assigned to a continuing care intervention were almost three times as likely to be abstinent and five times less likely to be using any drugs on a weekly basis during the 6-month follow-up period compared with those who did not receive continuing care (Brown et al. 2004).

In evaluating appropriate relapse prevention strategies for African American offenders, Walton et al. (2001) found that African American offenders leaving substance abuse treatment reported fewer cravings, greater use of coping strategies, and a greater belief in their self-efficacy. However, they also expected to be involved in fewer sober leisure activities, to be exposed to greater amounts of substance use, and to have a greater need for continuing care services (e.g., housing, medical care, assistance with employment). Walton notes that these findings could reflect a tendency of African American offenders to underestimate the difficulties they will face after treatment; they report a greater need for resources and greater exposure to substance use, but they still have a greater belief in their ability to remain free of substances. Although an individual's belief in coping can have a positive effect on initially managing high-risk situations, it also can lead to a failure to recognize the level of risk in a given situation, anticipate the consequences, secure resources and appropriate support when needed, or engage in coping behaviors conducive to maintaining recovery. Correctional professionals can help offenders practice coping skills by role-playing, even if offenders are confident that they can manage difficult or high-risk situations.

9.4 - Counseling for Asian Americans, Native Hawaiians, and Other Pacific Islanders

Asian Americans, per the U.S. Census Bureau definition, are people whose origins are in the Far East, Southeast Asia, or the Indian subcontinent (Humes et al. 2011). The term includes East Asians (e.g., Chinese, Japanese, and Korean Americans), Southeast Asians (e.g., Cambodian, Laotian, and Vietnamese Americans), Filipinos, Asian Indians, and Central Asians (e.g., Mongolian and Uzbek Americans). In the 2010 Census, people who identified solely as Asian American made up 4.8 percent of the population, and those who identified as Asian American along with one or more other races made up an additional 0.9 percent. Census data includes specific information on people who identify as Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, and "other Asians." The largest Asian populations in the United States are Chinese Americans, Filipino Americans, Asian Indian Americans, Korean Americans, and Vietnamese Americans. Asian Americans overwhelmingly live in urban areas, and more than half (51 percent) live in just three states (NY, CA, and HI; Hoeffel et al. 2012).

Not all people with origins in Asia belong to what is commonly conceived of as the Asian race. Some Asian Indians, for example, self-identify as White American. For this reason, among others, correctional professionals should be careful to learn from their Asian American offenders how they identify themselves and which national heritages they claim. Correctional professionals should recognize that offenders who appear to be Asian may not necessarily think of themselves primarily as persons of Asian ancestry or have a deep awareness of the traditions and values of their countries of origin. For example, Asian orphans who have been adopted in the United States and raised as Americans in White American families may have very little connection with the cultural groups of their biological parents (St. Martin 2005). Correctional

professionals should not make generalizations across Asian cultures; each culture is quite distinct.

Little literature on substance use and mental disorders, rates of co-occurrence, and treatment among Asian Americans focuses on behavioral health treatment for Native Hawaiians and Pacific Islanders; thus, a text box at the end of this section summarizes available information.

Beliefs About and Traditions Involving Substance Use

Within many Asian societies, the use of intoxicants is tolerated within specific contexts. For example, in some Asian cultural groups, alcohol is believed to have curative, ceremonial, or beneficial value. Among pregnant Cambodian women, small amounts of herbal medicines with an alcohol base are sometimes used to ensure an easier delivery. Following childbirth, similar medicines are generally used to increase blood circulation (Amodeo et al. 1997). Some Chinese people believe that alcohol restores the flow of *qi* (i.e., the life force). The written Chinese character for “doctor” contains the character for alcohol, which implies the use of alcohol for medicinal purposes.

Some Asian American cultural groups make allowances for the use of other substances. Marijuana, for instance, has been used medicinally in parts of Southeast Asia for many years (Iversen 2000; Martin 1975). However, some Asian Americans tend to view illicit substance use and abuse as a serious breach of acceptable behavior that cannot readily be discussed. Nonetheless, there are broad differences in Asian cultures’ perspectives on substance use, thus requiring correctional professionals to obtain more specific information during intake and subsequent encounters.

Acknowledging a substance abuse problem often leads to shame for Asian American offenders and their families. Families may deny the problem and inadvertently, or even intentionally, isolate members who abuse substances (Chang 2000). For example, some Cambodian and Korean Americans perceive alcohol abuse and dependence as the result of moral weakness, which brings shame to the family (Amodeo et al. 2004; Kwon-Ahn 2001).

Substance Use and Substance Use Disorders

According to the 2012 NSDUH, Asian Americans use alcohol, cigarettes, and illicit substances less frequently and less heavily than members of any other major racial/ethnic group (SAMHSA 2013d). However, large surveys may undercount Asian American substance use and abuse, as they are typically conducted in English and Spanish only (Wong et al. 2007b). Despite the limitations of research, data suggest that although Asian Americans use illicit substances and alcohol less frequently than other Americans, substance abuse problems have been increasing among Asian Americans. The longer Asian Americans reside in the United States, the more their substance use resembles that of other Americans. Excessive alcohol use, intoxication, and substance use disorders are more prevalent among Asians born in the United States than among foreign-born Asians living in the United States (Szaflarski et al. 2011). Among Asian Americans who entered substance abuse treatment between 2000 and 2010, methamphetamine and marijuana were the most commonly reported illicit drugs (SAMHSA,

CBHSQ 2012). Methamphetamine abuse among Asian Americans is particularly high in Hawaii and on the West Coast (OAS 2005a). As with other racial and ethnic groups, numerous factors—such as age, birth country, immigration history, acculturation, employment, geographic location, and income—add complexity to any conclusions about prevalence among specific Asian cultural groups. Asian Americans who are recent immigrants, highly acculturated, unemployed, or living in Western states are generally more likely than other Asian Americans to abuse drugs or alcohol (Makimoto 1998). For example, according to the National Latino and Asian American Study (NLAAS), Asians who are more acculturated are at greater risk for prescription drug abuse (Watkins and Ford 2011).

Despite rates of substance use disorders among Asian Americans having increased over time, research has regularly found that, of all major racial/ethnic groups in United States, Asian Americans have the lowest rates of alcohol use disorders (Grant et al. 2004; SAMHSA 2012b). This phenomenon has typically been explained in part by the fact that some Asians lack the enzyme aldehyde dehydrogenase, which chemically breaks down alcohol (McKim 2003). Thus, high levels of acetaldehyde, a byproduct of alcohol metabolism, accumulate and cause an unpleasant flushing response (Yang 2002). The alcohol flushing response primarily manifests as flushing of the neck and face but can also include nausea, headaches, dizziness, and other symptoms.

Mental and Co-Occurring Disorders

Overall, health and mental health are not seen as two distinct entities by Asian American cultural groups. Most Asian American views focus on the importance of virtue, maturity, and self-control and find full emotional expression indicative of a lack of maturity and self-discipline (Cheung 2009). Given the potential shame they often associate with mental disorders and their typically holistic worldview of health and illness, Asian Americans are more likely to present with somatic complaints and less likely to present with symptoms of psychological distress and impairment (Hsu and Folstein 1997; Kim et al. 2004; Room et al. 2001; U.S. Department of Health and Human Services [HHS] 2001; Zhang et al. 1998), even though mental illness appears to be nearly as common among Asian Americans as it is in other ethnic/racial groups. In 2009, approximately 15.5 percent of Asians reported a mental illness in the past year, but only 2 percent reported past-year occurrence of serious mental illness (SAMHSA 2012a). Asian Americans have a lower incidence of CODs than other racial/ethnic groups because the prevalence of substance use disorders in this population is lower. In the 2012 NSDUH, 0.3 percent of Asian Americans indicated co-occurring serious psychological distress and substance use disorders, and 1.1 percent had some symptoms of mental distress along with a substance use disorder—the lowest rates of any major racial/ethnic group in the survey (SAMHSA 2013c).

Considerable variation in the types of mental disorders diagnosed among diverse Asian American communities is evident, although it is unclear to what extent this reflects diagnostic and/or self-selection biases. For example, Barreto and Segal (2005) found that Southeast Asians were more likely to be treated for major depression than other Asians or members of other ethnic/racial groups; East Asians were the most likely of all Asian American groups to be treated

for schizophrenia (nearly twice as likely as White Americans). Traumatic experiences and PTSD can be particularly difficult to uncover in some Asian American offenders. Although Asian Americans are as likely to experience traumatic events (e.g., wars experienced by first-generation immigrants from countries such as Vietnam and Cambodia) in their lives, their cultural responses to trauma can conceal its psychological effects. For instance, some Asian cultural groups believe that stoic acceptance is the most appropriate response to adversity (Lee and Mock 2005*a,b*).

Treatment Patterns

Treatment-seeking rates for mental illness are low among most Asian populations, with rates varying by specific ethnic/cultural heritage and, possibly, level of acculturation (Abe-Kim et al. 2007; Barreto and Segal 2005; Lee and Mock 2005*a,b*). Asian Americans who seek help for psychological problems will most likely consult family members, clergy, or traditional healers before mental health professionals, in part because of a lack of culturally and linguistically appropriate mental health services available to them (HHS 2001; Spencer and Chen 2004). However, among those Asian Americans who seek behavioral health treatment, the amount of services used is relatively high (Barreto and Segal 2005).

Beliefs and Attitudes About Treatment

Compared with the general population, Asian Americans are less likely to have confidence in their medical practitioners, feel respected by their doctors, or believe that they are involved in healthcare decisions. Many also believe that their doctors do not have a sufficient understanding of their backgrounds and values; this is particularly true for Korean Americans (Hughes 2002). Even so, Asian Americans, especially more recent immigrants, seem more likely to seek help for mental and substance use disorders from general medical providers than from specialized treatment providers (Abe-Kim et al. 2007). Many Asian American immigrants underuse healthcare services due to confusion about eligibility and fears of jeopardizing their residency status (HHS 2001).

As with other groups, discrimination, acculturation stress, and immigration and generational status, along with language needs, have a large influence on behavioral health and treatment-seeking for Asian Americans (Meyer et al. 2012; Miller et al. 2011). The NLAAS found that although rates of behavioral health service use were lower for Asian Americans who immigrated recently than for the general population, those rates increased significantly for U.S.-born Asian Americans; third-generation U.S.-born individuals' rates of service use also were relatively high (Abe-Kim et al. 2007). Of those Asian Americans who had any mental disorder diagnosis in the prior year, 62.6 percent of third-generation Americans sought help for it in the prior year compared with 30.4 percent of first-generation Americans.

Overall, Asian Americans place less value on substance abuse treatment than other population groups and are less likely to use such services (Yu and Warner 2012). Niv et al. (2007) found that Asian and Pacific Islanders entering substance abuse treatment programs in California

expressed significantly more negative attitudes toward treatment and rated it as significantly less important than did others entering treatment. Seeking help for substance abuse can be seen, in some Asian American cultural groups, as an admission of weakness that is shameful in itself or as an interference with family obligations (Masson et al. 2013). Among 2010 NSDUH respondents who stated a need for substance abuse treatment in the prior year but did not receive it, Asian Americans were more likely than members of all other major racial/ethnic groups to say that they could handle the problem without treatment or that they did not believe treatment would help (SAMHSA 2011c). Combining NSDUH data from 2003 to 2011 NSDUH, Asian Americans who needed but did not receive treatment in the past year were the least likely of all major ethnic/racial groups to express a need for such treatment (SAMHSA, CBHSQ 2013c).

Treatment Issues and Considerations

It is important for correctional professionals to approach presenting problems through offenders' culturally based explanations of their own issues rather than imposing views that could alter their acceptance of treatment. In Asian cultural groups, the physical and emotional aspects of an individual's life are undifferentiated (e.g., the physical rather than emotional or psychological aspect of a problem can be the focus for many Asian Americans); thus, problems as well as remedies are typically handled holistically. Some Asian Americans with traditional backgrounds do not readily accept Western biopsychosocial explanations for substance use and mental disorders. Correctional professionals should promote discussions focused on offenders' understanding of their presenting problems as well as any approaches the offenders have used to address them. Subsequently, presenting problems need to be reconceptualized in language that embraces the offenders' perspectives (e.g., an imbalance in *yin* and *yang*, a disruption in *chi*; Lee and Mock 2005a,b). It is advisable to educate Asian American offenders on the role of the counselor/therapist, the purpose of therapeutic interventions, and how particular aspects of the treatment process (e.g., assessment) can help offenders with their presenting problems (Lee and Mock 2005a,b; Sue 2001). Asian American offenders who receive such education participate in treatment longer and express greater satisfaction with it (Wong et al. 2007a).

As with other racial/ethnic groups, Asian American offenders are responsive to a warm and empathic approach. Correctional professionals should realize, though, that building a strong, trusting relationship takes time. Among Asian American offenders, humiliation and shame can permeate the treatment process and derail engagement with services. Thus, it is essential to assess and discuss offender beliefs about shame (see the "Assessing Shame in Asian American Offenders" advice box on the next page). In some cases, self-disclosure can be helpful, but the counselor should be careful not to self-disclose in a way that will threaten his or her position of respect with Asian American offenders.

Theoretical Approaches and Treatment Interventions

Some Asian cultural groups emphasize cognitions. For instance, Asian cultural groups that have a Buddhist tradition, such as the Chinese, view behavior as controlled by thought. Thus, they

accept that addressing cognitive patterns will affect behaviors (Chen 1995). Some Asian cultural groups encourage a stoic attitude toward problems, teaching emotional suppression as a coping response to strong feelings (Amodeo et al. 2004; Castro et al. 1999b; Lee and Mock 2005a,b; Sue 2001). Treatment can be more effective if providers avoid approaches that target emotional responses and instead use strategies that are more indirect in discussing feelings (e.g., saying “that might make some people feel angry” rather than asking directly what the offender is feeling; Sue 2001).

Asian Americans often prefer a solution-focused approach to treatment that provides them with concrete strategies for addressing specific problems (Sue 2001). Even though little research is available in evaluating specific interventions with Asian Americans, clinicians tend to recommend cognitive-behavioral, solution-focused, family, and acceptance commitment therapies (Chang 2000; Hall et al. 2011; Iwamasa et al. 2006; Rastogi and Wadhwa 2006; Sue 2001). Asian American offenders are likely to expect that their correctional professionals take an active role in structuring the therapy session and provide clear guidelines about what they expect from offenders. CBT has the advantages of being problem focused and time limited, which will likely increase its appeal for many Asian Americans who might see other types of therapy as failing to achieve real goals (Iwamasa et al. 2006). Although specific data on the effectiveness of CBT among Asian Americans is not available, there is some research indicating that CBT is effective for treating depressive symptoms in Asians (Dai et al. 1999; Fujisawa et al. 2010). In China, a Chinese Taoist version of CBT has been developed to treat anxiety disorders and was found to be effective, especially in conjunction with medication (Zhang et al. 2002).

Family Therapy

Some Asian Americans, particularly those who are less acculturated, prefer individual therapy to group or family interventions because it better enables them to save face and keep their privacy (Kuramoto 1994). Some offenders may wish to enter treatment secretly so that they can keep their families and friends from knowing about their problems. Once treatment is initiated, correctional professionals should strongly reinforce the wisdom of seeking help through statements such as “you show concern for your husband by seeking help” or “you are obviously a caring father to seek this help.”

The norm in Asian families is that “all problems (including physical and mental problems) must be shared only among family members”; sharing with others can cause shame and guilt, exacerbating problems (Paniagua 1998, pp. 59–60). Correctional professionals should expect to take more time than usual to learn about offenders’ situations, anticipate offender needs for reassurance in divulging sensitive information, and frame discussions in a culturally competent way. For example, correctional professionals can assure offenders that discussing problems is a step toward resuming their full share of responsibility in their families and removing some of the stress their families have been feeling.

Group Therapy

Group therapy may not be a good choice for Asian Americans, as many prefer individual therapy (Lai 2001; Sandhu and Malik 2001). Paniagua (1998, p. 73) suggests that “group therapy...would be appropriate in those cases in which the offender’s support system (relatives and close friends) is not available and an alternative support system is quickly needed.” Some Asian Americans participating in group therapy will find it difficult to be assertive in a group setting, preferring to let others talk. They can also abide by more traditional roles in this context; men might not want to divulge their problems in front of women, women can feel uncomfortable speaking in front of men, and both men and women might avoid contradicting another person in group (especially an older person). It may not make sense to Asian American offenders to hear about the problems of strangers who are not part of their community.

Asian Americans are likely to be motivated to work for the good of the group; presenting group goals in this framework can garner active participation. Still, in group settings and in other instances, Asian American offenders may expect a fair amount of direction from the group leader. Chen (1995) described leadership of a culturally specific therapy group for Chinese Americans, noting that offenders expect a group leader to act with authority and give more credence to his or her expertise than to other group members. If members of the group belong to the same Asian American community, the issue of confidentiality will loom large, because the community is often small. Asian cultural groups generally appreciate education in more formal settings, so psychoeducation groups can work well for Asian Americans. It is possible for a psychoeducational group with Asian American participants to evolve comfortably into group therapy.

Mutual-help Groups

According to 2012 NSDUH data, Asian Americans were less likely than other racial and ethnic groups to report the use of mutual-help groups in the past year (SAMHSA 2013d). Mutual-help groups can be challenging for Asian Americans who find it difficult and shaming to self-disclose publicly. The degree of emotion and candor within these groups can further alienate traditional Asian American offenders. Furthermore, linguistically appropriate mutual-help groups are not always available for people who do not speak English. Highly acculturated Asian Americans may perceive participation in mutual-help groups as less of a problem, but nevertheless, Asian Americans can benefit from culture-specific mutual-help groups where norms of interpersonal interaction are shared. Asian American 12-Step groups are available in some locales. It is important for correctional professionals to assess offender attitudes toward mutual-help participation and find alternative strategies and resources, including encouragement to attend without sharing (Sandhu and Malik 2001).

Although they are not mutual-help groups in the traditional sense, mutual aid societies and associations are important in some Asian American communities. Some mutual aid societies have long histories and have provided assistance ranging from financial loans to help with childcare and funerals. The Chinese have family associations for people with the same last

name who share celebrations and offer each other help. Japanese, Chinese, and South Asians have specific associations for people from the same province or village. For some Asian American groups, such as Koreans, churches are the primary organizational vehicles for assistance. These social support groups can be important resources for Asian American offenders, their families, and the behavioral health agencies that provide services to them.

Relapse Prevention and Recovery

Little research has evaluated relapse prevention and recovery promotion strategies specifically for Asian Americans. However, issues involving shame can make the adjustment to abstinence difficult for Asian offenders. Correctional professionals should take this into account and address difficulties that can arise for offenders with families who have shame about mental illness or substance use disorders. To date, there are no indications that standard approaches are unsuitable for Asian American offenders.

9.5 - Counseling for Hispanics and Latinos

The terms “Hispanic” and “Latino” refer to people whose cultural origins are in Spain and Portugal or the countries of the Western Hemisphere whose culture is significantly influenced by Spanish or Portuguese colonization. Technically, a distinction can be drawn between Hispanic (literally meaning people from Spain or its former colonies) and Latino (which refers to persons from countries ranging from Mexico to Central and South America and the Caribbean that were colonized by Spain, and also including Portugal and its former colonies); this TIP uses the more inclusive term (Latino), except when research specifically indicates the other. The term “Latina” refers to a woman of Latino descent.

Latinos are an ethnic rather than a racial group; Latinos can be of any race. According to 2010 Census data, Latinos made up 16 percent of the total United States population; they are its fastest growing ethnic group (Ennis et al. 2011). Latinos include more than 30 national and cultural subgroups that vary by national origin, race, generational status in the United States, and socioeconomic status (Padilla and Salgado de Snyder 1992; Rodriguez-Andrew 1998). According to Ennis et al. (2011), of Latinos currently living in the United States (excluding Puerto Rico and other territories), Mexican Americans are the largest group (63 percent), followed by Central and South Americans (13.4 percent), Puerto Ricans (9.2 percent), and Cubans (3.5 percent).

Beliefs About and Traditions Involving Substance Use

Attitudes toward substance use vary among Latino cultural groups, but Latinos are more likely to see substance use in negative terms than are White Americans. Marin (1998) found that Mexican Americans were significantly more likely to expect negative consequences and less likely to expect positive outcomes as a result of drinking than were White Americans. Similarly, Hadjicostandi and Cheurprakobkit (2002) note that most Latinos believe that prescription drug

abuse could have dangerous effects (85.7 percent), that individuals who abuse substances cause their whole families to suffer (81.4 percent), and that people who use illicit drugs will participate in violent crime (74.9 percent) and act violently toward family members (78.9 percent). Driving under the influence of alcohol is one of the most serious substance use problems in the Latino community.

Other research suggests that some Latinos hold different alcohol expectancies. When comparing drinking patterns and alcohol expectancies among college students, Velez-Blasini (1997) found that Puerto Rican participants were more likely than other students to see increased sociability as a positive expectancy related to drinking and sexual impairment as a negative expectancy. Puerto Rican participants were also significantly more likely to report abstinence from alcohol. In another study comparing Puerto Ricans and Irish Americans, Puerto Rican participants who expected a loss of control when drinking had fewer alcohol-related problems, whereas Irish Americans who expected a loss of control had a greater number of such problems (Johnson and Glassman 1999). The authors concluded that “losing control” has a different cultural meaning for these two groups, which in turn affects how they use alcohol.

For many Latino men, drinking alcohol is a part of social occasions and celebrations. By contrast, solitary drinking is discouraged and seen as deviant. Social norms for Latinas are often quite different, and those who have substance abuse problems are judged much more harshly than men. Women can be perceived as promiscuous or delinquent in meeting their family duties because of their substance use (Hernandez 2000). Amaro and Aguiar (1995) note that the heavy emphasis on the idealization of motherhood contributes to the level of denial about the prevalence of substance use among Latinas. Women who use injection drugs feel the need to maintain their roles as daughters, mothers, partners, and community members by separating their drug use from the rest of their lives (Andrade and Estrada 2003), yet research suggests that substance abuse among women does not go unrecognized within the Latino community (Hadjicostandi and Cheurprakobkit 2002).

Among families, Latino adults generally show strong disapproval of alcohol use in adolescents of either gender (Flores-Ortiz 1994). Adults of both genders generally disapprove of the initiation of alcohol use for youth 16 years of age and under (Rodriguez-Andrew 1998). Long (1990) also found that even among Latino families in which there has been multi-generational drug abuse, young people were rarely initiated into drug abuse by family members. However, evidence regarding parental substance use and its influence on youth has been mixed; most studies show some correlation between parental attitudes toward alcohol use and youth drinking (Rodriguez-Andrew 1998). For instance, research with college students found that family influences had a significant effect on drinking in Latinos but not White Americans; the magnitude of this effect was greater for Latinas than for Latino men (Corbin et al. 2008).

Substance Use and Substance Use Disorders

According to 2012 NSDUH data, rates of past-month illicit substance use, heavy drinking, and binge drinking among Latinos were lower than for White Americans, Blacks, and Native

Americans, but not significantly so (SAMHSA 2013*d*). The same data showed that 8.3 percent of Latinos reported past-month illicit drug use compared with 9.2 percent of White Americans and 11.3 percent of African Americans. Although data are available from a number of studies regarding Latino drinking and drug use patterns, more targeted research efforts are needed to unravel the complexities of substance use and the many factors that affect use, abuse, and dependence among subgroups of Latino origin (Rodriguez-Andrew 1998). For example, some studies show that Latino men are more likely to have an alcohol use disorder than are White American men (Caetano 2003), whereas others have found the reverse to be true (Schmidt et al. 2007). Disparities in survey results may reflect varying efforts to develop culturally responsive criteria (Carle 2009; Hasin et al. 2007). The table in Exhibit 5-2 shows lifetime prevalence of substance use disorders among Latinos based on immigration status and ethnic subgroup (Alegria et al. 2008*a*).

Among diverse Latino cultural groups, different patterns of alcohol use exist. For example, some older research suggests that Mexican American men are more likely to engage in binge drinking (having five or more drinks at one time; drinking less frequently, but in higher quantities) than other Latinos but use alcohol less frequently (Caetano and Clark 1998). There are also differences regarding the abuse of other substances. Among Latinos entering substance abuse treatment in 2006, heroin and methamphetamine use were especially high among Puerto Ricans and Mexican Americans, respectively. Other research has found that Puerto Ricans are more likely to inject drugs and tend to inject more often during the course of a day than do other Latinos (Singer 1999).

Patterns of substance use are also linked to gender, age, socioeconomic status, and acculturation in complex ways (Castro et al. 1999*a*; Wahl and Eitle 2010). For instance, increased frequency of drinking is associated with greater acculturation for Latino men and women, yet the drinking patterns of Latinas are affected significantly more than those of Latino men (Markides et al. 2012; Zemore 2005).

Age appears to influence Latino drinking patterns somewhat differently than it does for other racial/ethnic groups. Research indicates that White Americans often “age out” of heavy drinking after frequent and heavy alcohol use in their 20s, but for many Latinos, drinking peaks between the ages 30 and 39. Latinos in this age range have the lowest abstention rates and the highest proportions of frequent and heavy drinkers of any age group (Caetano and Clark 1998). In the same study, Latino men between 40 and 60 years of age had higher rates of substance use disorders than men in the same age group across other racial/ethnic populations.

Latino youth appear to start using illicit drugs at an earlier age than do members of other major ethnic/racial groups. Cumulative data from 28 years of the Monitoring the Future Study show Latino eighth graders as having higher rates of heavy drinking, marijuana use, cocaine use, and heroin use than African or White Americans in the same grade. Among youth in grade 12, the rates of use among Latino and White American students are more similar, but Latinos still had the highest rates of crack cocaine and injected heroin use (Johnston et al. 2003).

Patterns of substance use and abuse vary based on Latinos' specific cultural backgrounds. Among Latinos, rates of past-year alcohol dependence were higher among Puerto Rican and Mexican American men (15.3 percent and 15.1 percent, respectively) than among South/Central American or Cuban American men (9 percent and 5.3 percent, respectively). Among Latinas, past-year alcohol dependence rates were significantly higher for Puerto Rican women (6.4 percent) than for Mexican American (2.1 percent), Cuban American (1.6 percent), or South/Central American (0.8 percent) women (Caetano et al. 2008).

Mental and Co-Occurring Disorders

As with other populations, it is important to address CODs in Latino offenders, as CODs have been associated with higher rates of treatment dropout (Amodeo et al. 2008). There are also reports of diagnostic bias, suggesting that some disorders are under reported and others are overreported. Minsky et al. (2003) found that, at one large mental health treatment site in New Jersey, major depression was over diagnosed among Latinos, especially Latinas, whereas psychotic symptoms were sometimes ignored. Among Latinos with CODs, other mental disorders preceded the development of a substance use disorder 70 percent of the time (Vega et al. 2009).

Treatment Patterns

Barriers to treatment entry for Latinos include, but are not limited to, lack of Spanish-speaking service providers, limited English proficiency, financial constraints, lack of culturally responsive services, fears about immigration status and losing custody of children while in treatment, negative attitudes toward providers, and discrimination (Alegria et al. 2012; Mora 2002). Among all ethnic/racial groups included in the 2010 NSDUH, Latinos were the most likely to report that they had a need for treatment but did not receive it because they could not find a program with the appropriate type of treatment or because there were no openings in programs that they wished to attend, which may reflect a lack of linguistically and/or culturally appropriate services (SAMHSA 2011c). They were about twice as likely to state the former and four times as likely to state the latter as members of the group that was the next most likely to make such statements.

A significant problem prohibiting participation in substance abuse treatment among Latinos is the lack of insurance coverage to pay for treatment. In SAMHSA's 2010 NSDUH, 32 percent of Latinos who needed but did not receive substance abuse treatment in the past year reported that they lacked money or insurance coverage to pay for it compared with 29.5 percent of White Americans and 33.5 percent of African Americans (SAMHSA 2011c). Other national surveys also found that Latinos with self-identified drinking problems were significantly more likely than either White Americans or African Americans to indicate that they did not seek treatment because of logistical barriers, such as a lack of funds or being unable to obtain childcare (Schmidt et al. 2007).

Latinos with substance use disorders are about as likely to enter substance abuse treatment programs as White Americans (Hser et al. 1998; Perron et al. 2009; Schmidt et al. 2006). Latinos

tend to enter treatment at a younger age than either African Americans or White Americans (Marsh et al. 2009). There are also significant differences in treatment-seeking patterns among Latino cultural groups. For example, Puerto Ricans who inject heroin are much more likely to participate in methadone maintenance and less likely to enter other less-effective detoxification programs than are Dominicans, Central Americans, and other Latinos (Reynoso-Vallejo et al. 2008). The researchers note, however, that this could be due partially to the fact that Puerto Ricans, compared with other Latinos, have a greater awareness of treatment options.

Beliefs and Attitudes About Treatment

In general, Latino attitudes toward health care are shaped by a lack of access to regular quality care, including inability to afford it (see review of health beliefs and help-seeking behaviors among Mexican Americans and Mexicans dwelling in the United States in Rogers 2010). DeNavas-Walt et al. (2006) found that Latinos are less likely to have health insurance (32.7 percent were uninsured in 2005) than either non-Latino White Americans (11.3 percent were uninsured) or African Americans (19.6 percent were uninsured). They are also less likely to have had a regular place to go for conventional medical care (Schiller et al. 2005). Lack of knowledge about available services can be a major obstacle to seeking services (Vega et al. 2001). In their review, Murguia et al. (2000) identified several factors that influence the use of medical services, including cultural health beliefs, demographic barriers, level of acculturation, English proficiency, accessibility of service providers, and flexibility of intake procedures; they found that many Latinos only seek medical care for serious illnesses.

Research on substance abuse indicates that Latinos who use illicit drugs appear to have relatively unfavorable attitudes toward treatment and perceive less need for treatment than do illicit drug users among every other major ethnic and racial group but Native Americans (Brower and Carey 2003). However, in the 2011 NSDUH, Latinos were more likely than White Americans, African Americans, or Asian Americans to indicate that they had a need for substance abuse treatment in the prior year but did not receive it (SAMHSA 2012b). Other studies have found that Latinos with substance use disorders are about as likely to enter substance abuse treatment programs as other racial and ethnic groups (Hser et al. 1998; Perron et al. 2009; Schmidt et al. 2006). Latinos who receive substance abuse treatment also report less satisfaction with the services they receive than White or African Americans (Wells et al. 2001). Even when receiving a level of substance abuse treatment services comparable to those received by White and African Americans, Latinos are more likely to be dissatisfied with treatment (Tonigan 2003).

Treatment Issues and Considerations

Latino offenders' responsiveness to therapy is influenced not only by correctional professional and program characteristics, but also by individual characteristics, including worldview, degree of acculturation, gender orientation, religious beliefs, and personality traits. As with other cultural groups, efforts to establish clear communication and a strong therapeutic alliance are

essential to positive treatment outcomes among Latino offenders. Foremost, correctional professionals should recognize the importance of—and integrate into their counseling style and approach—expressions of concern, interest in offenders’ families, and personal warmth (*person- alismo*; Ishikawa et al. 2010).

Correctional professionals need to be educated about culturally specific attributes that can influence participation and clinical interpretation of offender behavior in treatment. For instance, some Latino cultural groups view time as more flexible and less structured; thus, rather than negatively interpreting the offender’s behavior regarding the keeping of strict schedules or appointment times, correctional professionals should adopt scheduling strategies that provide more flexibility (Alvarez and Ruiz 2001; Sue 2001). However, correctional professionals should also advise Latino offenders of the need to take relevant actions with the aim of arriving on time for each appointment or group session. Correctional professionals should try to avoid framing noncompliance in Latino offenders as resistance or anger.

Because some research has found that Latinos have higher rates of treatment dropout than other populations (Amaro et al. 2006), programs working with this population should consider ways to improve retention and out-comes. Treatment retention issues for Latinos can be similar to those found for other populations (Amodeo et al. 2008), but culturally specific treatment has been associated with better retention for Latinos (Hohman and Galt 2001). Research evaluating ethnic matching with brief motivational interventions also found more favorable substance abuse treatment outcomes at 12-month follow-up when offenders and providers were ethnically matched (Field and Caetano 2010).

Available literature and research highlight four main themes surrounding general counseling issues and programmatic strategies for Latinos, as follows:

- **Socializing the offender to treatment:** Latino offenders are likely to benefit from orientation sessions that review treatment and counseling processes, treatment goals and expectations, and other components of services (Organista 2006).
- **Reassurance of confidentiality:** Regardless of the particular mode of therapy, correctional professionals should explain confidentiality. Many Latinos, especially undocumented workers or recent immigrants are fearful of being discovered by authorities like the United States Citizenship and Immigration Services and subsequently deported back to their countries of origin (Ramos-Sanchez 2009).
- **Offender–counselor matching based on gender:** To date, research does not provide consistent findings on offender–counselor matching based on similarity of Latino ethnicity. However, offender–counselor matching based on gender alone appears to have a greater effect on improving engagement and abstinence among Latinos than it does for offenders of other ethnicities (Fiorentine and Hillhouse 1999).
- **Offender–program matching:** Matching offenders to ethnicity-specific programs appears to improve outcomes for Latinos. Takeuchi et al. (1995) found that only 68 percent of Mexican American offenders in programs that had a majority of White

American offenders returned after the first session compared with 97 per- cent in those programs where the majority of offenders were Mexican American.

Family Therapy

Family therapy is often recommended for treating Latinos with substance use disorders (Amaro et al. 2006; Barón 2000; Hernandez 2000). Although there is little research evaluating the effectiveness of family therapy for adults, both multidimensional family therapy (Liddle 2010) and brief strategic family therapy (Santisteban et al. 1997; Santisteban et al. 2003; Szapocznik and Williams 2000) have been found to reduce substance use and improve psychological functioning among Latino youth. The term *familismo* refers to the centrality of the family in Latino culture and can include valuing and protecting children, respecting the elderly, preserving the family name, and consulting with one another before making important decisions. As highlighted in the case study of a Puerto Rican offender on the next page, correctional professionals must consider the potentially pivotal roles families can play in supporting treatment and recovery. Latino families are likely to have a strong sense of obligation and commitment to helping their members, including those who have substance use disorders. Even so, the level of family support for people who have substance use or mental disorders varies among Latinos depending on country of origin, level of acculturation, degree of family cohesion, socioeconomic status, and factors related to substance use (Alegria et al. 2012). For example, Reynoso-Vallejo et al. (2008) concluded that significantly higher rates of homelessness found among people from Central American countries who injected heroin compared with other Latinos could stem from lower levels of tolerance for injection drug use among their families.

Group Therapy

Little information is available concerning Latinos' preferences in behavioral health services, but a study evaluating mental health treatment preferences for women in the United States found that Latinas were significantly more likely to prefer group treatment (Nadeem et al. 2008). According to Paniagua (1998), the use of group therapy with Latino offenders should emphasize a problem-focused approach. Group leaders should allow members to learn from each other and resist functioning as a content expert or a representative of the rules of the system. Otherwise, members could see group therapy as oppressive. Facilitators in groups consisting mostly of Latino offenders must establish trust, responsibility, and loyalty among members. In addition, acculturation levels and language preferences should be assessed when forming groups so that culturally specific or Spanish-speaking groups can be made available if needed.

Mutual-help Groups

Findings on the usefulness of 12-Step groups for Latino offenders are inconsistent. Membership surveys of AA indicate that Latinos comprise about 5 percent of AA membership (AAWS 2012). Latinos who received inpatient treatment were less likely to attend AA than White Americans (Arroyo et al. 1998). Rates of mutual-help participation among people with drug use disorders

are also lower for Latinos (Perron et al. 2009). Language can present a barrier to mutual-help group participation for Spanish-speaking Latinos; however, Spanish-language meetings are held in some locations. Correctional professionals should consider the appropriateness of 12-Step participation on a case-by-case basis (Alvarez and Ruiz 2001). For example, Mexican American men who identify with attitudes of *machismo* can feel uncomfortable with the 12-Step approach. Concern about divulging family issues in public can cause hesitation to address substance-related problems in public meetings.

For Latinos who do participate in 12-Step programs, findings suggest higher rates of abstinence, degree of commitment, and level of engagement than for White American participants (Hoffman 1994; Tonigan et al. 1998). For some Latinos, 12-Step groups can appeal to religious and spiritual beliefs. Hernandez (2000) suggests that mutual-help groups composed solely of Latinos make it easier for participants to address the cultural context of substance abuse. Some Latino 12-Step groups do not hold that substance abuse is a biopsychosocial problem, instead conceptualizing the disorder as a weakness of character that must be corrected. Hoffman (1994) studied Latino 12-Step groups in Los Angeles and observed that, in addition to a more traditional form of AA, there were groups that practiced *terapia dura* (i.e., rough therapy), which often uses a confrontational approach and endorses family values related to *machismo* (e.g., by reinforcing that overcoming substance abuse rather than drinking is manly). However, these groups were not overly welcoming of female members and gay men. In such cases, gay Latino men and Latinas can benefit from attending 12-Step groups that are not culturally specific or that do not use *terapia dura*.

Relapse Prevention and Recovery

There are no substantial studies evaluating the use of relapse prevention and recovery promotion with Latinos, yet literature suggests that they would be appropriate and effective for this population (Blume et al. 2005; Castro et al. 2007). Overall, Latinos can face somewhat different triggers for relapse relating to acculturative stress or the need to uphold particular cultural values (e.g., *personalismo*, *machismo*; Castro et al. 2007), which can lead to higher rates of relapse among some Latino offenders. For example, in a study of relapse patterns among White American and Latino individuals who used methamphetamine, Brecht et al. (2000) found that Latino participants relapsed more quickly than White American participants.

Data are lacking on long-term recovery for Latinos. Given the many obstacles that block accessibility to treatment for Latinos, continuing care planning can benefit from greater use of informal or peer supports. For example, White and Sanders (2004) recommend the use of a recovery management approach with Latinos. They point to an early example of the East Harlem Protestant Parish's work, which helped Puerto Rican individuals recovering from heroin dependence connect to social clubs and religious communities that supported recovery. Latinos use community and family support in addition to spirituality to address mental disorders (Lynch and Hanson 2011; Molina 2001). Castro et al. (2007) also note that family support systems can be especially important for Latinos in recovery.

9.6 - Counseling for Native Americans

There are 566 federally recognized American Indian Tribes, and their members speak more than 150 languages (U.S. Department of the Interior, Indian Affairs 2013*a*); there are numerous other Tribes recognized only by states and others that still go unrecognized by government agencies of any sort. According to the 2010 U.S. Census (Norris et al. 2012), the majority (78 percent) of people who identified as American Indian or Alaska Native, either alone or in combination with one or more other races, lived outside of American Indian and Alaska Native areas. Approximately 60 percent of the 5.2 million people who identified as American Indian or Alaska Native, alone or in combination with one or more other races, reside in urban areas (Norris et al. 2012). The category of Alaska Natives includes four recognized Tribal groups—Alaskan Athabascan, Aleut, Eskimo, and Tlingit-Haida—along with many other independent communities (Ogunwole 2006).

Native Americans who belong to federally recognized Tribes and communities are members of sovereign Indian nations that exist within the United States. On lands belonging to these Tribes and communities, Native Americans are able to govern themselves to a large extent and are not subject to most state laws—only to federal legislation that is specifically designated as applying to them (Henson 2008). Although health care (including substance abuse treatment) is provided to many Native Americans by Indian Health Services (IHS), Tribal governments do have the option of taking over those services. Correctional professionals working with these populations should remember that Native Americans, by virtue of their membership in sovereign Tribal entities, have rights that are different from those of other Americans; this distinguishes them from members of other ethnic/racial groups.

American Indians live in all 50 states; the states with the largest populations of American Indians are Oklahoma, California, and Arizona. The 2000 Census allowed people to identify, for the first time, as a member of more than one race. Of persons who checked two or more races, nearly one in five indicated that they were part American Indian or Alaska Native (U.S. Census Bureau 2001*a,b*).

Beliefs About and Traditions Involving Substance Use

Few American Indian Tribes and no Alaska Natives consumed alcoholic beverages prior to contact with non-Native people, and those who did used alcohol primarily for special occasions and ceremonies. Most Tribes first encountered the use of alcohol when they encountered European settlers and traders. Because of this lack of experience with alcohol, few Native Americans had a context for drinking besides what they learned from these non-Natives, who at the time drank in large quantities and often engaged in binge drinking. Although patterns of alcohol consumption in the mainstream population of the United States changed over time, they remained relatively the same in the more isolated Native American communities. According to an NSDUH report on American Indian and Alaska Native adults, binge drinking continues to be a significant problem for these populations. Both binge drinking and illicit drug

use is higher among Native Americans than the national average (30.2 percent versus 23 percent and 12.7 percent versus 9.2 percent, respectively; SAMHSA 2013d).

American Indian drinking patterns vary a great deal by Tribe. Tribal attitudes toward alcohol influence consumption in complicated ways. For example, in Navajo communities, excessive drinking was acceptable if done in a group or during a social activity. However, solitary drinking (even in lesser amounts) was considered to be deviant (Kunitz et al. 1994). Kunitz et al. (1994) observed that during the 1960s, binge drinking was acceptable among the Navajo during public celebrations, whereas any drinking was considered unacceptable among the neighboring Hopi population, wherein regular drinkers were shunned or, in some cases, expelled from the community. Hopi individuals who did drink tended to do so alone or moved off the reservation to border towns where heavy alcohol use was common. The ostracism of Hopi drinkers seemed to lead to even greater levels of abuse, given that there were much higher death rates from alcoholic cirrhosis among the Hopi than among the Navajo.

Native American recovery movements have often viewed substance abuse as a result of cultural conflict between Native and Western cultures, seeing substances of abuse as weapons that have caused further loss of traditions (Coyhis and White 2006). To best treat this population, substance abuse treatment providers need to expand their perspectives regarding substance abuse and dependence and must embrace a broader view that explores the spiritual, cultural, and social ramifications of substance abuse (Brady 1995; Duran 2006; Jilek 1994).

Substance Use and Substance Use Disorders

According to 2012 NSDUH data, American Indian and Alaska Native peoples have the highest rates of substance use disorders and binge drinking (SAMHSA 2013d). Although rates of substance abuse are high among Native Americans, so too are rates of abstinence. American Indians and Alaska Natives are more likely to report no alcohol use in the past year than are members of all other major racial and ethnic groups (OAS 2007). The American Indian Services Utilization and Psychiatric Epidemiology Risk and Protective Factors Project (AI-SUPER PFP) also found that rates of lifetime abstinence from alcohol for American Indians in the study were significantly higher than lifetime abstinence rates among the general population (Beals et al. 2003). Data on alcohol consumption also show that Alaska Natives are significantly more likely to abstain than are other Alaskans (Wells 2004).

The most common pattern of abusive drinking among American Indians appears to be binge drinking followed by long periods of abstinence (French 2000; May and Gossage 2001). A similar pattern is seen among Alaska Natives (Seale et al. 2006; Wells 2004). As an example, the Urban Indian Health Institute (2008) found that binge drinking was significantly more common among the Native American population (with 21.3 percent engaging in binge drinking in the prior 30 days compared with 15.8 percent of non- Native Americans) and that, among those who drank, 40.7 percent of Native American participants engaged in binge drinking compared with 26.9 percent of non-Natives.

In addition to alcohol, methamphetamine and inhalant abuse are major concerns for a number of Native American communities. Nonetheless, there are considerable regional differences in patterns and prevalence of drug use (Miller et al. 2012). According to the National Congress of American Indians (2006), 74 percent of Tribal police forces ranked methamphetamine as the drug causing the most problems in their communities. Methamphetamine abuse can be even more serious for Native Americans living in rural areas than for those in urban areas, but it is also a serious problem for growing numbers of American Indians, especially women, entering treatment in urban areas (Spear et al. 2007).

American Indians and Alaska Natives are more likely to report having used inhalants at some time during their lives, but use tends to peak in 8th grade and then decrease (Miller et al. 2012). In some Native American communities (e.g., on the Kickapoo reservation in Texas), inhalants have been a major drug of abuse for adults as well as youth. During the early 1990s, about 46 percent of the adult population on that reservation were thought to abuse inhalants (Fredlund 1994). Although more recent data are not available, reports from the area suggest that inhalant abuse remains a significant problem (Morning Star 2005).

Mental and Co-Occurring Disorders

According to the 2012 NSDUH, 28.3 percent of American Indians and Alaska Natives report having a mental illness, with approximately 8.5 percent indicating serious mental illness in the past year (SAMHSA 2013c). Native Americans were nearly twice as likely to have serious thoughts of suicide as members of other racial/ethnic populations, and more than 10 percent reported a major depressive episode in the past year. Common disorders include depression, anxiety, and substance use.

As with other groups, substance use disorders among Native Americans have been associated with increased rates of a variety of different mental disorders (Beals et al. 2002; Tann et al. 2007; Westermeyer 2001). The 2012 NSDUH revealed that 14 percent of Native Americans reported both past-year substance use disorders and mental illness. Among those who reported mental illness, nearly 5 percent reported several mental illnesses co-occurring with substance use disorders (SAMHSA 2013c).

Native American communities have experienced severe historical trauma and discrimination (Brave Heart and DeBruyn 1998; Burgess et al. 2008). Studies suggest that many Native Americans suffer from elevated exposure to specific traumas (Beals et al. 2005; Ehlers et al. 2006; Manson 1996; Manson et al. 2005), and they may be more likely to develop PTSD as a result of this exposure than members of other ethnic/racial groups. PTSD comparison rates taken from the AI-SUPER PFP study and the National Comorbidity Study show that 12.8 percent of the Southwest Tribe sample and 11.5 percent of the Northern Plains Tribe sample met criteria for a lifetime diagnosis of PTSD compared with 4.3 percent of the general population (Beals et al. 2005). Trauma histories and PTSD are so prevalent among Native Americans in substance abuse treatment that Edwards (2003) recommends that assessment and treatment of trauma should be a standard procedure for behavioral health programs serving this

population. For example, Native American veterans with substance use disorders are significantly more likely to have co-occurring PTSD than the general population of veterans with substance use disorders (Friedman et al. 1997).

Treatment Patterns

Despite a number of potential barriers to treatment (Venner et al. 2012), Native Americans are about as likely as members of other racial/ethnic groups to enter behavioral health programs. According to data from the 2003 and 2011 NSDUH (SAMHSA, CBHSQ 2012), Native Americans were more likely to have received substance use treatment in the past year than persons from other racial/ethnic groups (15.0 percent versus 10.2 percent). Other studies indicate that about one-third of Native Americans with a current substance use disorder had received treatment in the prior year (Beals et al. 2006; Herman-Stahl and Chong 2002). The 2012 NSDUH reported that approximately 15 percent of Native Americans received mental health treatment (SAMHSA 2013c).

Native Americans were least likely of all major ethnic/racial groups to state that they could not find the type of program they needed and were the next least likely after Native Hawaiians and other Pacific Islanders to state that they did not know where to go or that their insurance did not cover needed treatment. Among Native Americans who identified a need for treatment in the prior year but did not enter treatment, the most commonly cited reasons for not attending were lack of transportation, lack of time, and concerns about what one's neighbors might think (SAMHSA 2011c).

The same research also found that Native Americans were somewhat more likely than the general treatment-seeking population to enter residential programs. Native Americans were more likely to enter treatment as a result of criminal justice referrals than were White Americans or African Americans: 47.9 percent of American Indians and Alaska Natives entering public treatment programs in 2010 were court-ordered to treatment compared with 36.6 percent of White Americans and 36.4 percent of African Americans (SAMHSA, CBHSQ 2012). The lack of recognition of special needs and knowledge of Native American cultures within behavioral health programs may be the main reasons for low treatment retention and underuse of help-seeking behaviors among Native Americans (LaFromboise 1993; Sue and Sue 2013e).

Beliefs and Attitudes About Treatment

Duran et al. (2005) evaluated obstacles to treatment entry among American Indians on three different reservations; most frequently mentioned were the perception that good-quality or suitable services were unavailable and the perceived need for individuals to be self-reliant. They also found social relationships to be extremely important in overcoming these barriers. Jumper-Thurman and Plested (1998) reported that focus groups of American Indian women listed mistrust as one of the primary barriers for seeking treatment. This is due, in part, to the

women's belief that they would encounter people they knew among treatment agency staff; they also doubted the confidentiality of the treatment program.

Treatment Issues and Considerations

Each Tribe and community will likely have different customs, healing traditions, and beliefs about treatment providers that can influence not only willingness to participate in treatment services, but also the level of trust offender have for providers. Correctional professionals and other behavioral health workers must develop ongoing relationships within local Native American communities to gain knowledge of the unique attributes of each community, to show investment in the community, and to learn about community resources (Exhibit 5- 3). Identifying and developing resources within Native communities can help promote culturally congruent relationships. To provide culturally responsive treatment, providers need to understand the Native American offender's Tribe; its history, traditions, worldview, and beliefs; the dimensions of its substance abuse problem and other community problems; the incidence of trauma and abuse among its members; its traditional healing practices; and its intrinsic strengths. Providers who work with Native Americans but do not have an understanding of their cultural identity and acculturation patterns are at a distinct disadvantage (Ponterotto et al. 2000).

Native Americans often approach the beginning of a relationship in a calm, unhurried manner, and they may need more time to develop trust with providers. Concerns about confidentiality can be an important issue to address with Native American offender, especially for those in small, tightly knit communities. For providers, it is very important to make clear to offender that what they say to the counselor will be held in confidence, except when there is an ethical duty to report. Native American cultural groups generally believe that health is nurtured through balance and living in harmony with nature and the community (Duran 2006; Garrett et al. 2012).

They also, for the most part, have a holistic view of health that incorporates physical, emotional, and spiritual elements (Calabrese 2008), individual and community healing (Duran 2006; McDonald and Gonzalez 2006), and prevention and treatment activities (Johnston 2002). For many, culture is the path to prevention and treatment. However, not all Native Americans have a need to develop stronger connections to their communities and cultural groups. As Brady (1995) cautions, culture is complex and changing, and a return to the values of a traditional culture is not always desired. An initial inquiry into each offender's connection with his or her culture, cultural identity, and desire to incorporate cultural beliefs and practices into treatment is an essential step in culturally competent practice. When appropriate, providers can help facilitate the offender's reconnection with his or her community and cultural values as an integral part of the treatment plan. In addition, treatment providers need to adapt services to be culturally responsive. In doing so, outcomes are likely to improve not only for Native American offender, but for all offender within the program. Fisher et al. (1996) modified a therapeutic community in Alaska to incorporate Alaska Native spiritual and cultural practices

and found that retention rates improved for White and African American offender as well as Alaska Native offender participating in the program.

In working with Native American offender, providers should be prepared to address spirituality and to help offender access traditional healing practices. Culturally responsive treatment should involve community events, group activities, and the ability to participate in ceremonies to help offender achieve balance and find new insight (Calabrese 2008). Stronger attachment to Native American cultural groups protects against substance use and abuse; therefore, strengthening this connection is important in substance abuse treatment (Duran 2006; Moss et al. 2003; Spicer 2001; Stone et al. 2006).

Family Therapy

Family involvement in treatment leads to better outcomes for Native Americans at the time of discharge from treatment (Chong and Lopez 2005). Research also suggests that family and community support can have a significant effect on recovery from substance use disorders for this population (Jones- Saumty 2002; Paniagua 1998). Family therapy can be quite helpful and perhaps even essential for American Indian offender (Coyhis 2000), especially when other social supports are lacking (Jones-Saumty 2002).

American Indians place high value on family and extended family networks; restoring or healing family bonds can be therapeutic for offender with substance use disorders. Moreover, Native American offenders are sometimes less motivated to engage in “talk therapy” and more willing to participate in therapeutic activities that involve social and family relationships (Joe and Malach 2011). Treatment approaches should remain flexible and include offender’s families when appropriate. Correctional professionals should be able to recognize what constitutes family, family constellations, and family characteristics. The Native American concept of family can include elders, others from the same clan, or individuals who are not biologically related. In many Tribes, all members are considered relatives. Families can be matrilineal (i.e., kinship is traced through the female line) and/or matrilineal (i.e., married couples live with wife’s parents).

Group Therapy

Although researchers and providers once viewed group therapy as ineffective for American Indian offenders (Paniagua 1998), opinion has shifted to recognize that, when appropriately structured, group therapy can be a powerful treatment component (Garrett 2004; Garrett et al. 2001; Trimble and Jumper- Thurman 2002). Garrett (2004) notes that many Native American Tribes have traditional healing practices that involve groups; for many of these cultural groups, healing needs to occur within the context of the group or community (e.g., in talking circles). Thus, if properly adapted, group therapy can be very beneficial and culturally congruent. It is important, however, to determine Native American offender’s level of acculturation before recommending Western models of group therapy, as less acculturated Native offender are

likely to be less comfortable with group talk therapy (Mail and Shelton 2002). Group therapy for Alaska Natives should also be non-confrontational and focus on offender's strengths. Group therapy can incorporate Native American traditions and rituals to make it more culturally suitable. For example, the talking circle is a Native tradition easily adapted for behavioral health treatment. In this tradition, the members of the group sit in a circle. An eagle feather, stone, or other symbolic item is passed around, and each person speaks when he or she is handed the item. Based on a review of the literature, Paniagua (1998) recommends that providers using group therapy with Native American offender:

- Earn support or permission from Tribal authorities before organizing group therapy.
- Consult with Native professionals.
- If group members consent, invite respected Tribal members (e.g., traditional healers or elders) to participate in sessions.

Mutual-help Groups

Native American peoples have a long history of involvement in mutual-help activities that predates the 12-Step movement (Coyhis and White 2006). Depending on acculturation, availability of a community support network, and the nature of their presenting problems, Native American offenders may be more likely to solicit help from significant others, extended family members, and community members. Contemporary manifestations of Native American mutual-help efforts include adaptations of the 12 Steps (Exhibit 5-4) and of 12-Step meeting rituals and practices (Coyhis and White 2006). Another modified element of the 12 Steps is use of a circular, rather than a linear, path to healing. The circle is important to American Indian philosophy, which sees the great forces of life and nature as circular (Coyhis 2000). In addition, staff members of the White Bison program have also rewritten the AA "Big Book" from a Native American perspective (Coyhis and Simonelli 2005). The principles of the 12 Steps, which involve using the group or community to provide support and motivation while emphasizing spiritual reconnection, appeal to many Native Americans who see treatment as social in nature and who view addiction as a spiritual problem.

The Native American Wellbriety movement is a modern, indigenous mutual-help program that has its roots in 12-Step groups but incorporates Native American spiritual beliefs and cultural practices (Coyhis and Simonelli 2005; Coyhis and White 2006; White Bison, Inc. 2002; also see <http://www.whitebison.org>). Although the Wellbriety movement is popular with many Native Americans in recovery, a considerable number also continue to participate in traditional 12-Step groups. In the AI-SUPER-PFP, 47 percent of Northern Plains Tribe respondents and 28.8 percent of South-west Tribe respondents with a past-year substance use disorder reported 12-Step group attendance in the prior year (Beals et al. 2006). Mohatt et al. (2008b) found that more Alaska Natives in recovery reported participation in 12-Step groups than in substance abuse treatment. In Venner and Feldstein's (2006) re-search with American Indians in recovery, 84 percent of respondents had attended some mutual-help meetings.

Relapse Prevention and Recovery

Despite limited data on long-term recovery for Native Americans who have substance use disorders, a few studies have found high rates of relapse following substance abuse treatment (see review in Chong and Herman-Stahl 2003). White and Sanders (2004) recommend that long-term recovery plans for Native Americans make use of a recovery management rather than a traditional continuing care approach. Such an approach emphasizes the use of informal recovery communities and traditional healing approaches to provide extended monitoring and support for Native Americans leaving treatment.

Researchers have conducted interviews with both American Indians (Bezdek and Spicer 2006) and Alaska Natives (Hazel and Mohatt 2001; Mohatt et al. 2008; People Awakening Project 2004) who have achieved extended periods of recovery. Bezdek and Spicer (2006) identified two key tasks for American Indians entering recovery. First, they need to learn how to respond to family and friends who drank with them and to those who supported their recovery. Next, they have to find new ways to deal with boredom and negative feelings. By accomplishing these tasks, Native offenders can build new social support systems, develop effective coping strategies for negative feelings, and achieve long-term recovery. The People Awakening Project found that, among Alaska Natives who had a substantial period of recovery, the development of active, culturally appropriate coping strategies was essential (e.g., distancing themselves from friends or family who drank heavily, getting involved in church, doing community service, praying; Hazel and Mohatt 2001; Mohatt et al. 2008; People Awakening Project 2004).

9.7 - Counseling for White Americans

According to the 2010 U.S. Census definition, White Americans are people whose ancestors are among those ethnic groups believed to be the original peoples of Europe, the Middle East, or North Africa (Humes et al. 2011). The racial category of White Americans includes people of various ethnicities, such as Arab Americans, Italian Americans, Polish Americans, and Anglo Americans (i.e., people with origins in England), among others. Many Latinos will also identify racially (if not ethnically) as White American. Non-Latino White Americans constitute the largest racial group in the United States (making up 63.7 percent of the population in the 2010 Census; Mather et al. 2011).

White Americans, like other large ethnic and cultural groups, are extremely heterogeneous in historical, social, economic, and personal features, with many (often subtle) distinctions among subgroups. Perhaps because White Americans have been the majority in the United States, it is sometimes forgotten how historically important certain distinctions between diverse White American ethnic heritages have been (and continue to be, for some). Conversely, many White American people prefer not to see themselves as such and instead identify according to their specific ethnic background (e.g., as Irish American). For similar reasons, certain cross-cutting cultural issues (see Chapter 1) like geographic location, sexual orientation, and religious affiliation are important in defining the cultural orientations of many White Americans.

Beliefs About and Traditions Involving Substance Use

Historically, use of alcohol was accepted among White/European cultural groups because it provided an easy way to preserve fruit and grains and did not contain bacteria that might be found in water. Over time, the production and consumption of alcohol became an often-integral part of cultural activities, which can be seen in the way some White cultural groups take particular pride in national brands of alcoholic beverages (e.g., Scotch whisky, French wine; Abbott 2001; Hudak 2000). A number of European cultural groups (e.g., French, Italian) traditionally believed that daily alcohol use was healthy for both mind and body (Abbott 2001; Marinangeli 2001), and for others (e.g., English, Irish), the bar or pub was the traditional center of community life (O'Dwyer 2001). Despite some variations in cultural attitudes toward appropriate drinking practices, alcohol has been and remains the primary recreational substance for Whites in the United States. Predominant attitudes toward drinking in the United States more closely reflect those of Northern Europe; alcohol use is generally accepted during celebrations and recreational events, and, at such times, excessive consumption is more likely to be acceptable.

Typically, White European cultural groups accept alcohol use as long as it does not interfere with responsibilities, such as work or family, or result in public drunkenness (Hamid 1998). However, among certain groups of White Americans (usually defined by religious beliefs), the use of alcohol or any other intoxicant is considered immoral (van Wormer 2001). These religious beliefs, combined with concerns about the effects of problematic drinking patterns (especially among men in the frontier; White 1998), became the impetus for the early 19th-century creation of the Temperance Movement and culminated in the passing of the 18th Amendment to the United States Constitution, which enacted Prohibition. Although the Temperance Movement is no longer a major political force, belief in the moral and social value of abstinence continues to be strong among some segments of the White American population. Illicit drug use, on the other hand, has historically been demonized by White American cultural groups and seen as an activity engaged in by people of color or undesirable subcultures (Bonnie and Whitebread 1970; Hamid 1998; Whitebread 1995). For example, White Americans typically link drug use to perceived threat of crime—particularly crimes perpetrated by people of color (Hamid 1998; Whitebread 1995). Attitudes have changed over time, but White American cultural groups continue to enforce strong cultural prohibitions against most types of illicit drug use. At the same time, White Americans are often more accepting of prescription medication abuse and less likely to perceive prescription medications as potentially harmful (Hadjicostandi and Cheurprakobkit 2002).

Despite illicit drug use now being as common among White Americans as people of color, White Americans still tend to perceive drug use as an activity that occurs outside their families and communities. In a 2001 survey, only 54 percent of White Americans expressed concern that someone in their family might develop a drug abuse problem compared with 81 percent of African Americans (Pew Research Center for the People and the Press 2001). In the same survey, White Americans expressed less concern about drug abuse in their neighborhoods than did other racial and ethnic groups. However, in terms of seeing drugs as a national problem,

White Americans and other racial and ethnic groups are in closer agreement. Perhaps as a result of this misperception about the prevalence of drug use in their homes and communities, White American parents are less likely to convey disapproval of drug use to their children than African American parents (National Center on Addiction and Substance Abuse 2005) and much more likely than Latino or African American parents to think that their children have enough information about drugs (Pew Research Center for the People and the Press 2001). There are also differences in how White Americans, Latinos, and African Americans perceive drug and alcohol addictions. White Americans are less likely than African Americans, but more likely than Latinos, to state that they believe a person can recover fully from addiction (Office of Communications 2008). However, White Americans are more likely than African Americans to indicate that substance use disorders should be treated as diseases (Durant 2005).

Substance Use and Substance Use Disorders

According to 2012 NSDUH data, rates of past-year substance use disorders were higher for White Americans than for Native Hawaiians, other Pacific Islanders, and Asian Americans; rates of current alcohol use were higher than for every other major ethnic/racial group (SAMHSA 2013*d*). Alcohol has traditionally been the drug of choice among White Americans of European descent; however, not all European cultural groups have the same drinking patterns. Researchers typically contrast a Northern/Eastern European pattern, in which alcohol is consumed mostly on week-ends or during celebrations, with that of Southern Europe, in which alcohol is consumed daily or almost daily but in smaller quantities and almost always with food. The Southern European pattern involves more regular use of alcohol, but it is also associated with less alcohol-related harm overall (after controlling for total consumption; Room et al. 2003). The pattern of White Americans typically follows that of Northern and Eastern Europe, but individuals from some ethnic groups maintain the Southern European pattern.

White Americans, on average, begin drinking and develop alcohol use disorders at a younger age than African Americans and Latinos (Reardon and Buka 2002). White Americans are more likely to have their first drink before the age of 21 and to have their first drink before the age of 16 than members of any other major racial/ethnic group except Native Americans (SAMHSA 2011*c*). Some data suggest that White Americans begin using illicit drugs at an earlier age than African Americans (Watt 2008) and that the mean age for White Americans who inject heroin has decreased (Broz and Ouellet 2008).

White Americans who use heroin are less likely than people who use heroin from all other major racial/ethnic groups except African Americans to have injected the drug (SAMHSA 2011*c*). White Americans are also more likely than members of other major racial/ethnic groups, except Native Hawaiians and other Pacific Islanders (for whom estimates may not be accurate), to have tried ecstasy. Except for Native Americans (some of whom may use the hallucinogen peyote for religious purposes), they are also more likely than other racial/ethnic groups to have tried hallucinogens (SAMHSA 2011*c*). Research confirms that prescription drug misuse is more common among White Americans than African Americans or Latinos (Ford and

Arrastia, 2008; SAMHSA 2011c), and they are more likely to have used prescription opioids in the past year and to use them on a regular basis.

Comparative studies indicate that White Americans are more likely than all other major racial/ethnic groups except Native Americans to have an alcohol use disorder (Hasin et al. 2007; Perron et al. 2009; Schmidt et al. 2007). White Americans are at a greater risk of having severe alcohol withdrawal symptoms (such as delirium tremens) than are African Americans or Latinos with alcohol use disorders (Chan et al. 2009). So too, White Americans are more likely than African Americans or Latinos to meet diagnostic criteria for a drug use disorder at some point during their lives (Perron et al. 2009). Overall, substance use disorders vary considerably across and within non-European White American cultural groups. For example, rates of substance abuse treatment admissions in Michigan from 2005 suggest that substance use disorders may be considerably lower for Arab Americans than other White Americans (Arfken et al. 2007).

Mental and Co-Occurring Disorders

About 20 percent of White Americans reported some form of mental illness in the past year, and they were more likely to have past-year serious psychological distress than other population groups excluding Native Americans (SAMHSA 2012a).

White Americans appear to be more likely than Latinos or Asian Americans to have CODs (Alegria et al. 2008a; Vega et al. 2009) and more likely to have concurrent serious psychological distress and substance use disorders (SAMHSA 2011c). White Americans with CODs are also more likely to receive treatment for both their substance use and mental disorders than are African Americans with CODs (Alvidrez and Havassy 2005; Hatzenbuehler et al. 2008), but they are perhaps less likely to receive treatment for their substance use disorder alone (Alvidrez and Havassy 2005). White Americans are more likely to receive family counseling and mental health services while in substance abuse treatment and less likely to have unmet treatment needs (Marsh et al. 2009; Wells et al. 2001). In addition, White Americans are significantly less likely than Latinos or African Americans to believe that antidepressants are addictive (Cooper et al. 2003).

The most common mental disorders among White Americans are mood disorders (particularly major depression and bipolar I disorder) and anxiety disorders (specifically phobias, including social phobia, and generalized anxiety disorder; Grant et al. 2004b). Among White Americans, these disorders are more prevalent than in any other ethnic/racial groups save Native Americans (Grant et al. 2005; Hasin et al. 2005). For example, rates of a lifetime diagnosis of generalized anxiety disorder are about 40 percent lower for African Americans and Latinos than for White Americans and about 60 percent lower for Asian Americans (Grant et al. 2005). A similar pattern exists for major depressive disorder (Hasin et al. 2005).

Treatment Patterns

White Americans are more likely to receive mental health treatment or counseling than other racial/ethnic groups (SAMHSA 2012b). White Americans are more likely than African Americans to receive substance abuse treatment services from a private physician or other behavioral

health or primary care professional (Perron et al. 2009). Among White American offenders entering substance abuse treatment programs in 2010, alcohol (alone or in conjunction with illicit drugs) was most often the primary substance of abuse, followed by heroin and cannabis. However, findings are inconsistent concerning the relative frequency with which White Americans enter substance abuse treatment. Some studies have found that White Americans are more likely to receive needed behavioral health services than both African Americans and Latinos (Marsh et al. 2009; Wells et al. 2001). In contrast, other studies have found that African Americans with an identified need are somewhat more likely to enter treatment for drug use disorders and about as likely to receive treatment for alcohol use disorders when compared with White Americans (Hatzenbuehler et al. 2008; Perron et al. 2009; SAMHSA, CBHSQ 2012; Schmidt et al. 2006).

Beliefs and Attitudes About Treatment

White Americans appear to be generally accepting of behavioral health services. They have better access to health care and are more likely to use services than people of color, but this varies widely based on socioeconomic status and cultural affiliation. Most treatment services have historically been developed for White American populations, so it is not surprising that White Americans are more likely than other racial/ethnic groups to be satisfied with treatment services (Tonigan 2003).

Still, attitudes differ among certain cultural subgroups of White Americans. For example, Russian immigrants from the former Soviet Union have a longstanding distrust of mental health systems and hence may avoid substance abuse treatment (Kagan and Shafer 2001). Other groups who have a strong family orientation, such as Italian Americans or Scotch-Irish Americans, might avoid treatment that asks them to reveal family secrets (Giordano and McGoldrick 2005; Hudak 2000).

According to 2010 NSDUH data regarding people who recognized a need for substance abuse treatment in the prior year but did not receive it, White Americans were more likely than members of other major racial/ethnic groups to state that it was because they had no time for treatment, that they were concerned what their neighbors might think, that they did not want others to know, and/or that they were concerned about how it might affect their jobs (SAMHSA 2011c). Other research confirms that White Americans are significantly more likely to avoid treatment due to fear of what others might think or because they are in denial (Grant 1997). White Americans may also have different attitudes toward recovery, at least regarding alcohol use disorders, than do members of other ethnic/racial groups. According to NESARC data on people who met criteria for a diagnosis of alcohol dependence at some point during their lives, White Americans were more likely than African Americans, Latinos, or other non-Latinos to have achieved remission from that disorder but were also less likely than African Americans or other non-Latinos (but not Latinos) to currently abstain from drinking, as opposed to being in partial remission or drinking without symptoms of alcohol dependence (Dawson et al. 2005).

Treatment Issues and Considerations

Most major treatment interventions have been evaluated with a population that is largely or entirely White American, although the role of White American cultural groups is rarely considered in evaluating those interventions. For example, as Straussner (2001) notes, “the paradox of writing about substance abusers of European background is that they are a group that is believed to be the group for whom the traditional alcohol and other drug treatment models have been developed, and yet they are a group whose unique treatment needs and treatment approaches have rarely been explored” (p. 165). Very few evaluations of treatment strategies and interventions (whether based on research or clinical observation) have taken into account ethnic and cultural differences among White American offenders, and therefore it is generally not possible to make culturally responsive recommendations for specific subgroups of White Americans.

Culturally responsive treatment for many White Americans will involve helping them rediscover their cultural backgrounds, which sometimes have been lost through acculturation and can be an important part of their long-term recovery. Giordano and McGoldrick (2005) note that ethnic identity and culture can be more important for some White Americans “in times of stress or personal crisis,” when they may want to “return to familiar sources of comfort and help, which may differ from the dominant society’s norms” (p. 503). Appendix B provides information on instruments for assessing cultural identification. For an overview of challenges in maintaining mental health, access to health care, and help-seeking among White Americans, see Downey and D’Andrea (2012).

Family Therapy

In White American families, individuals are generally expected to be independent and self-reliant; as a result, families in therapy can have trouble adjusting to work that focuses more on communication processes than specific problems or content (McGill and Pearce 2005). Van Wormer (2001) notes that many White Americans need help addressing communication issues. In family therapy, useful approaches include those that encourage open, direct, and nonthreatening communication.

There is no singular description that fits White American families within or across ethnic heritages, and there is no approach that is effective for all White Americans in family therapy (Hanson 2011). Hierarchical families, such as German American families, may expect the correctional professional to be authoritative, at least in the initial sessions (Winawer and Wetzel 2005), although a more egalitarian German American family might not respond well to such imperatives. In the same vein, one offender of French background could readily accept direct and clear therapeutic assignments that contain measurable goals (Abbot 2001), whereas another French American offender may value counseling that is more process oriented. Thus, it is imperative to assess the cultural identification of offenders and their families, along with the treatment needs that best match their cultural worldviews.

In some White American families, there is a longstanding culture of drinking. Attempts at abstinence can be perceived by family members as culturally inappropriate. In other families, there is deep denial about alcohol abuse or dependence, especially when talking about substance use to those outside the family. For example, some Polish American families can be resistant to the idea that drinking is the cause of family problems (Folwarski and Smolinski 2005) and sometimes believe that to admit an alcohol problem, especially to someone outside the family, signals weakness.

Group Therapy

Standard group therapies developed for mental health and substance abuse treatment programs have generally been used and evaluated with White American populations.

Mutual-help Groups

Mutual-help groups, of which AA is the most prevalent, have a largely White American membership (AAWS 2008; Atkins and Hawdon 2007). In a 2011 survey, 87 percent of AA members indicated their race as White (AAWS 2012). In research with largely White populations, AA participation has been found to be an effective strategy for promoting recovery from alcohol use disorders (Dawson et al. 2006; McCrady et al. 2004; Moos and Moos 2006; Ritsher et al. 2002; Weisner et al. 2003). Other mutual-help groups, such as Self-Management and Recovery Training, Secular Organizations for Sobriety/Save Our Selves, and Women for Sobriety, also have predominately White American membership and are based on Western ideas drawn from psychology (Atkins and Hawdon 2007; White 1998).

The appeal of mutual-help groups among White Americans rests on the historical origins of this model. The 12-Step model was originally developed by White Americans based on European ideas of spirituality, faith, and group interaction. Although the model has been adopted worldwide by different cultural groups (White 1998), the 12-Step model works especially well for White ethnic groups, including Irish Americans, Polish Americans, French Americans, and Scotch-Irish Americans, because it incorporates Western cultural traditions involving spiritual practice, public confession, and the use of anonymity to protect against humiliation (Abbott 2001; Gilbert and Langrod 2001; Hudak 2000; McGoldrick et al. 2005; Taggart 2005).

In addition to mutual-help groups for substance abuse, numerous recovery support groups, Internet resources, Web-based communities, and peer support programs are available to promote mental health recovery.



Pin It! *Mental Health Resources*

Click [here](#) to explore the many resources available through the National Alliance on Mental Illness.

Relapse Prevention and Recovery

Factors that promote recovery for White Americans include the learning and use of coping skills (Litt et al. 2003; Litt et al. 2005; Maisto et al. 2006). Even though some research suggests that White Americans are less likely to use coping skills than African Americans (Walton 2001) and have lower levels of self-efficacy upon leaving treatment (Warren et al. 2007), the development of these skills and of self-efficacy is important in managing relapse risks and in maintaining recovery. Correctional professionals may offer psychoeducation on the value of coping strategies, specific skills to manage stressful situations or environments, and opportunities to practice these skills during treatment. Some coping skills or strategies may be more important than others in managing high-risk situations, but research suggests that greater use of a variety of coping strategies is more important than the use of any one specific skill (Gossop et al. 2002).

Social and family supports are also important in maintaining recovery and preventing relapse among White Americans (Laudet et al. 2002; McIntosh and McKeganey 2000; Rumpf et al. 2002). Other important factors include continuing care, the development of substitute behaviors (i.e., reliance on healthy or positive activities in lieu of substance use), the creation of new caring relationships that do not involve substance use, and increased spirituality (Valliant 1983). Valliant (1983) and others (e.g., Laudet et al. 2002; McCrady et al. 2004; Moos and Moos 2006) conclude, based on research with mostly White participants, that mutual-help groups often play an important role in maintaining recovery.

Conclusion^{xlviii}

Correctional professionals have a difficult role in the law enforcement continuum. They must provide offenders with rehabilitative services and provide for the safety and security of the community. This dual role is challenging and requires an understanding of culture, gender, religion and socioeconomic status to be effective. This will aid officers to build a rapport with offenders to develop a professional, therapeutic relationship. This chapter was designed to give correctional professionals a greater understanding of how race and culture can impact the treatment process. Many times, offenders are required to engage in treatment. They may be unresponsive to treatment because they have a different cultural perspective. The information provided in this chapter allows correctional professional to explore whether the lack of involvement may be a cultural misunderstanding. It can also guide correctional professional on how to improve outcomes through different approaches.

In this chapter, we learned about treatment of offenders specific to their ethnicity. This is an important consideration when conducting case management services with offenders because not all offenders can be treated the same. Unique cultural experiences need to be considered so treatment services are effective.

During this chapter, we discussed in great detail specific issues in dealing with rehabilitation and ethnicity. For this activity, pretend you are a counselor in a prison and the following

offenders present these issues. What is your case plan? Support your answer with information from the chapter.



Act It Out! Case Manager Assignment

Case #1 – A 36-year-old African American woman is on your caseload. She has been in treatment for substance abuse but doesn't feel as if it is helping her. She states she still has sudden panic attack at visiting. She has a volatile relationship with her husband and after visits, she states she feels "amped" up for several days after his visits. What do you recommend?

Case #2 – A 45-year-old Native American man is set for discharge soon. He has a supportive family and will return to the reservation. What is your discharge plan? What services to set up for him for re-entry to the community? Make sure to support your answer with information from the readings.

Case #3 – A 21-year-old Hispanic male routinely shows up late for treatment sessions. Once at the session, he participates and is actively engaged in the materials. He indicates he feels the sessions are valuable. How do you address the tardiness, as it is distracting to the other participants? Explain why he may be acting this way.

Case #4 – A 40-year-old white woman is having difficulties with her treatment program. She is an alcoholic and in prison for a DUI in which she killed a family member. Her relationship with her family is strained. She feels she must abstain from drinking when she is released from prison, however all of her family members drink socially. How do you prepare her for transition?

Chapter 10 – Strategies for Facilitating Conflict Resolution in a Multicultural Society

Key Learning Objectives:

- Be able to identify the key principals to improved policing procedures to improve community relations.
- Explain the importance of communication skills and understanding of the community dynamics in policing.
- Identify how better training of officers by departments have a positive effect on the interaction between police and the community.
- Be able to explain how officers can develop a relationship with the community through engagement and visible presence

10.1 - Awareness^{xlviii}

The management and applications of police conflict resolution and use of force are perhaps the most important, complex, and pressing issues in modern law enforcement. Law enforcement goals, which are bound by a moral and legal obligation to keep the peace, enforce society's laws, protect life, and provide the framework for individuals to live free from the fear of victimization. To accomplish these ends, there are times when it is necessary for law enforcement officers to use force, including deadly force.

This constitutional power to use force against the citizenry comes with a great responsibility to use it only when necessary and justified. The law enforcement profession has made progress over time in trying to find the proper balance between restraint and the justified use of force. The process has resulted from society mandating changes, legal precedents, and forward-thinking leadership. Successful police departments sought out information regarding innovative police approaches, new technology, community input and applied them within the department to improve service to the community and protect officers.

Police managers have an obligation to ensure that officers are operating within the law, but also have a responsibility to ensure that their practices incorporate successful strategic approaches. It is essential police departments need to provide officers with resources to carry out their duty, while minimizing the risk of injury and death to the officers as well as the public. In order to accomplish the law enforcement officers mandate, police leaders must seek out efficient and innovative resources to provide to their officers. These resources include: updated policies that reflect both the law and industry guidelines, strategies that incorporate modern

methods based on promising best practices; integration of tactics for minimum force application and de-escalation training during a potential violent encounter.

The typical police officer is trained and prepared to mitigate physical threats, but studies indicate that only about 1% of police-civilian interactions result in physical encounters. The vast majority of conflict events involving officers consist of interpersonal disputes with little actual violence. To successfully navigate the complexities associated with these disputes, officers must have a clear understanding of conflict, must appreciate how their presence changes the conflict dynamic, and must be able to apply various communication and conflict management techniques. Departments that train their officers how to employ these techniques have the potential to provide results in positive safety and enforcement outcomes, including increased officer safety, reduced repeat calls, lower costs, greater community support and higher officer satisfaction rates.

The use of force, sometimes deadly force will always be required for law enforcement officers to meet the requirements demanded by the public and the rule of law. However, a police department that creates an organizational culture that focuses on conflict management will result in improved public service and officer safety.

10.2 - Communication^{xlix}

Improving a police department's image in the community takes more than just concern or wishful thinking. For the police to be truly effective in a changing, complex society, they must recognize that it is in their own self-interest to administer a department that is competent, fair, honest, and responsive to the needs of the individual citizen. The police department must establish an effective partnership with the community as a whole, the foundation of which is mutual trust and understanding. Police organizations must realize that *they* have the ability to alter their own image within the community.

A well-developed community relations effort should be the product of careful construction, designed by the police and the public together, and should not be the result of an emotional reaction to a temporary crisis in the community. The fundamental tenet of any successful police-community relations effort must necessarily involve an open channel of communication between the police and the public. Once established, a communications vehicle should be further developed to ensure that the channel remains open.



Figure 10.1 [COPS Office 5th Annual Community Policing in Action](#). COPS Office-Dept of Justice. Image is in the public domain.

Police departments must be sensitive to the fact that virtually every phase of their operations has an eventual impact on the community, which translates into an individual citizen's assessment of a department's effectiveness. Token or artificial efforts towards enhancing public image will quickly be recognized as an insincere gesture, which can only invite public ridicule and repudiation.

Training must also be in place to ensure that all officers veteran and recruit alike--continuously maintain an understanding of, and a sensitivity to, the social and human relations problems that surface within the community. Police departments should adopt a community-oriented attitude in every facet of their operations. The public must be convinced that the department's concern for community relations is not just a priority for administrators or community relations officers, but a serious concern that has the commitment of each officer.

10.3 - Community Based Intervention¹

Defining the police role within a community should not be solely the responsibility of a law enforcement agency. The entire community, represented by traditional and nontraditional agencies and groups alike, should be called upon to identify local concerns that fall within the purview of the police department. Suggestions should be carefully weighed and freely debated

in an atmosphere which recognizes that no single element or agency has exclusive jurisdiction or authority for determining what the posture or reaction should be towards problems that have impact on the entire community.

Within every community there are business and professional groups, social service agencies, religious and civic organizations, and non-law enforcement city agencies, all of which are potential resources for dealing with many of the problems that confront the police. Such organizations have repeatedly demonstrated their willingness to donate time and effort in support of programs that improve the quality of life in a community. An effective police department researches the community and develops a "resource bank" of organizations willing to donate time and effort in support of police initiatives to improve services to the community.

The assistance and interaction that these groups afford can be of great benefit in offering cultural, language, direct service, and training opportunities for police officers. In an era of tight fiscal control and dwindling budgets, these organizations can help law enforcement agencies develop specialized programs that address current and future needs. The police and community groups should establish areas of mutual concern, analyze points of disagreement that call for resolution, and reach a consensus on how all parties concerned can work together effectively in crisis situations.

10.4 - Education^{li}

Another way for police departments to establish effective leadership in the realm of police-community violence is to educate the community in the expectations they should have of the department and the expectations the department has of the community. This function addresses the "community cultures" dimension of effective leadership. No matter what the internal functions of effective leadership within the department, positive change in the police-community violence cycles will occur more easily if the community is involved in the change process. Police-community partnerships and the engagement of the community in solving problems of violence enhance police effectiveness.

“Education is the most powerful weapon which you can use to change the world.”

- Nelson Mandela

There are several questions the law enforcement executive can ask to determine the extent the community is likely to be involved in helping retard the police-community violence cycle. These

questions are based on the premise that the police and the community share ownership, responsibility, and accountability for reducing these incidents of violence:

- What programs does the department have that assist officers in understanding community attitudes towards police use of force?
- What programs does the department have that assist officers and the community to reduce incidents of police-community violence?
- Do all officers engage in interactive meetings with community groups and leaders?
- Does each officer consider himself or herself responsible for building police-community trust?
- Are there existing mechanisms for "taking the pulse" of the community on key issues involving police-community violence?
- Does the department periodically schedule formal meetings with community groups and leaders to review the issue of police-community violence?
- Do all the parties involved in reducing police-community violence (police, courts, probation, prosecutors, schools, and the community) meet regularly to review strategy and results?

These questions help police executives and community leaders identify areas or concerns that should be addressed in managing the police-community partnership. The extent to which this connection is well managed will, to some extent, dictate the degree of success the police executive can expect.

A police organization's attempt to control the police-community violence cycle cannot be accomplished by a one-dimensional approach to the problem. A leadership plan which focuses merely on one aspect of the problem is most likely a plan that will not achieve its objectives. What is required is a multidimensional approach which focuses on both internal and external factors, an approach which addresses operational problems as well as administrative processes, and which addresses the need for change within the informal leadership of the department as well as the need for change within the community.

Through the development of an "interactive" model of professionalism which focuses on the four stated areas of change within the department and its environment, police executives can develop the effective leadership necessary to have an impact on the cycle of police-community violence.

Additionally, educating the rank and file officer and field supervisors are critically important. Each day, police officers are called upon to handle a wide variety of situations, any one of which potentially might result in an officer or citizen suffering serious bodily injury or death. Although no two situations will be exactly the same, police have encountered the vast majority of different *kinds* of circumstances before. Therefore, most response situations lend themselves to prior analysis and review. Whether the police are called upon to handle a violent domestic dispute, a barricaded subject with hostages, a major civil disturbance, or other situations, departmental procedures can be drafted to provide the individual police officer with direction

that will reduce the chances of unwarranted violence. Care should be exerted to ensure that written directives on most response situations are carefully developed, regularly updated, and constantly reviewed by every member of the organization.

Along with written directives, another major component of a police department's efforts to manage circumstances is its commitment to in-service training and development. While many organizations rightfully place a premium on the value of recruit training, they are sometimes less attentive to providing a systematic program of in-service training for veteran officers. Although departments may be powerless to control the level of violence that officers face in every situation, they should recognize that a carefully designed program of in-service training is of fundamental importance to avoiding police-citizen violence and ensuring officer safety. Many police contacts with citizens or suspects have the potential for violence, as emphasized elsewhere in this publication, but a well-trained officer is the first line of defense in reducing the risk of serious injury or death.

When the police are called to the scene of a potentially life-threatening situation, more often than not a confrontation not of their making confronts them. In the initial moments, the person or persons responsible for instigating the confrontation may appear to be in control. But as sufficient numbers of officers arrive, the inevitable decision on using force to end the confrontation is brought up for consideration. While no two situations are exactly alike, the merits of negotiation, mediation, and conflict resolution should be given their due. Police who employ force as an immediate response to a crisis situation are frequently labeled as reactionary--as opposed to being recognized as the power in control of the situation. In most instances, police departments that elect to employ mediation and conflict resolution and other communication skills instead of force are generally credited with reducing the level of tension.

Negotiation in a crisis situation generally affords the police an opportunity to carefully formulate a well-constructed response. Additional time also facilitates the strategic placement of key personnel, who by then will be in full possession of virtually all of the resources which appear necessary to bring about a successful conclusion of the situation. In the final analysis, if all attempts at talking fail and the time for negotiating comes to an end, the police will be able to demonstrate that they legitimately attempted to use reason instead of force, and only altered their course of action when no other alternative reasonably existed.

Expert skills at negotiating, mediation, and conflict resolution are not natural talents that are automatically acquired by each new officer who enters the field of law enforcement. Departments should ensure that classes in negotiating, mediation and conflict resolution are contained within the curriculum of their in-service training and development programs. Recognizing that the decision to negotiate--as opposed to resorting to force--will not always be a viable option, the police department should at least indicate its preference for negotiation whenever possible.

10.5 - Enforcement^{lii}

As the 21st century begins, the relative priority between enforcing law and maintaining racial/ethnic harmony is being reset. A new paradigm for policing multi-ethnic societies is emerging. The old paradigm was about maintaining order by any whatever means required. The new paradigm is about integration, not segregation; equal protection, not domination; mutual respect, not deference. In the old paradigm, enforcing the law was the highest value. In the new paradigm, enforcing the law is still important but increasingly is being placed second to maintaining racial and ethnic harmony.

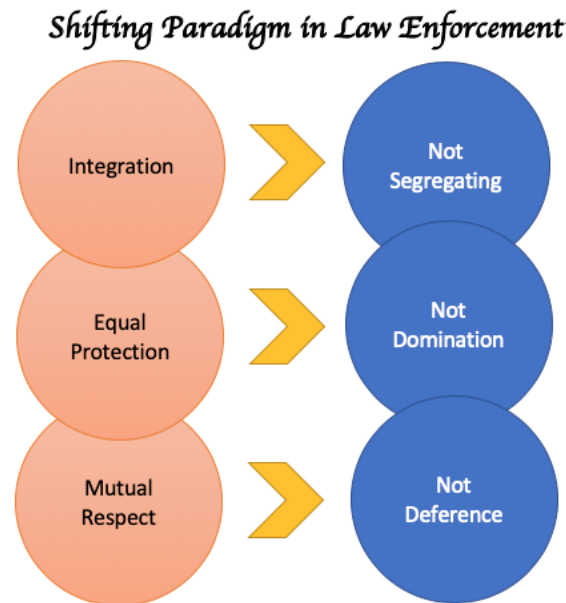


Figure 10.2 Diagram of New Law Enforcement Paradigm created by Tabitha Raber is used under a [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license

The new paradigm reflects the changing cultural norms regarding tolerance for diversity and demands for equality. The timing could not be better. Dramatic demographic changes are happening in the world. Societies that once were dominated by a single ethnic group are rapidly becoming more heterogeneous as a result of the dual process of less-than-replacement fertility and immigration.

With the end of the cold war, international borders have become more porous than ever. In the United States, the whole concept of race relations is being transformed. Latinos have surpassed blacks as the largest minority in many major cities. Asians are majorities in some places. The white descendants of the Europeans who founded the country, and who have dominated it politically, economically, and demographically ever since, are projected to lose their majority status by the year 2050.

Today's immigration has made the challenges of policing a multiethnic society all the more complex. The police are having to find ways to bridge cultural divides; to communicate in foreign languages; to win the trust of people whose past experience led them to mistrust or

despise the police (Bowles, 2000); to protect foreigners both from xenophobic attacks and their own ethnic gangs. The patrol officer is critical to building that relationship of trust for the ethnic communities to engage with the police. Treating the community with fairness, equality, and respect will generate good will and trust in some elements of the community.

10.6 - Engagement^{liii}

One of the major areas of concern in policing is the violence that surrounds drug and gang activity. The increased number of handguns and other firepower, the role of organized criminals and youth gangs, and the amount of money involved in this activity have torn apart communities--created divisions within communities and between police and communities, particularly communities of color. Homicide rates, especially among minority youth, have also escalated.

Pressures and demands from different segments of the community have led to calls for aggressive policing, even if it entails the violation of individuals' rights. Field practices that violate accepted police practices and procedures are too often condoned in the name of expediency or pressure for immediate results. This issue represents a significant challenge to police executives and a department's value system.

The guidance the executive can provide on such a volatile issue begins with the value system of the police department and the systems established to put these values into operation. The community and law enforcement must be involved in developing a comprehensive approach to drugs and gangs that solicits the community's cooperation and support. The police department must address both the criminal acts and the community's fears or perceptions. Specialized training must be provided to the officers in: effective techniques for investigating drug activity, making arrests, developing intervention and diversion programs, establishing racial and cultural awareness programs, and developing broad based community support through such programs as a citizens' crime watch and D.A.R.E. The relationship between police and urban youth can become a positive partnership that includes police, parents, schools, community and business leaders, clergy, and the media. The relationship should be one that seeks both to prevent and to resolve problems of crime and disorder based on cooperation, collaboration, and mutual respect.

10.7 - Relationship^{liv}

A police department's effectiveness in making itself accessible to the community will invariably depend on whether there is a plan or program to promote and enhance involvement with citizens. Whether the purpose is to inform citizens about police initiatives, to inform them about general police department progress or conditions, to secure their input in a specific area, or to discuss effectiveness of the department and its personnel, most police executives depend on three basic avenues. They are: direct dialogue with citizens and representatives of organizations, use of the news media, and communication of selected information through

various means, including speeches and assignments to designated personnel. At the same time, all department personnel and all means of communication should be focused on making the department "approachable" to citizens.

The most common standard for measuring a department's effectiveness with respect to accessibility is the number and attitude of citizens who freely approach the department to make inquiries, complain, or volunteer their assistance. If the attitude of citizens demonstrates confidence in the department and pride in performing a civic function, it can be surmised that a substantial level of departmental accessibility has been achieved. On the other hand, if citizen contacts or encounters with the police are characterized mostly by a mixture of fear, rancor, and general distrust, then the police executive and the department's personnel have a lot of hard work ahead of them.

10.8 - Reintegration^{lv}

According to the U.S. Department of Justice, in the United States approximately 10,000 prisoners are released per week from state and federal prisons, meaning approximately 560,000 ex-prisoners annually reintegrating into society. According to the recidivism center, recidivism rates are extremely high with approximately two-thirds of ex-prisoners committing new crimes within three years of release.

This leads to asking, is society doing enough to help ex-prisoners stay out of the correctional system, or does society have an obligation to help ex-prisoners. It is possible this a significant factor in the disproportionate incarceration of black males in the United States. The probability of an African American male being sentenced to prison in his lifetime is one in three, whereas for a Caucasian male it is one in seventeen. Should society commit more resources to improving reintegration efforts and assist ex-prisoner find minimal employment and housing? If so, would the ex-prisoner be less likely to re-offend? Providing resources to ex-prisoners successfully reintegrate into society could possibly reduce costly recidivism rates.

Many ex-prisoners will return to the same neighborhoods they lived in before their incarceration. Often these neighborhoods have high rates of crime and poverty, which could lead many in the community with the feeling of being separated from society as a whole and with little hope.



Figure 10.3 Many offenders return to neighborhoods with high crime and poverty rates making it difficult to escape the criminogenic lifestyle. [Image](#) is used under a [CC BY-NC-SA 2.0](#)

Many ex-prisoners can develop animosity from a society which is unforgiving of their criminal history. Additionally, personal, social, and legal challenges have the possibility of making the road to becoming a productive citizen difficult.

Depending on the crime, Ex-prisoners often face limitations on where they can live and can have difficulty finding affordable housing. Often, low-income public housing is the only available option. Many public housing developments are often inundated with criminal gangs and street crimes, which make it difficult to avoid criminal situations. The private housing is often not an option because ex-prisoners have bad or no possibility for credit or funds required to enter the housing market. Additionally, the stigma of being an ex-felon can lead to difficulties securing funds.

For ex-prisoners finding and maintaining employment can lessen their chance at falling back into the criminal lifestyle. However, the stigma of being an ex-convict, can decrease the number of sustainable job available to them. Many employers conduct criminal history checks on prospective employees and reject anyone with a criminal history. One study from 2003, indicated 90 percent of employers surveyed were willing fill job vacancies with welfare recipients, but only 40 percent were willing to consider hiring an ex-prisoner. The study determined companies that require contact with customers are among the most unlikely to

consider hiring a convict. Employer reluctance is greatest when the ex-prisoner was convicted for a violent crime and least reluctant is when the conviction was for a nonviolent drug offense.

Finding employment opportunities can be especially challenging because many offenders have limited work histories. Many ex-prisoners are limited to working inconsistent, low-wage jobs, which makes it challenging for them to support themselves and their families. More than one third of all prisoners were unemployed at the time of arrest according to the Bureau of Justice Statistics.

Only about half of ex-prisoner adults have a high school education or General Education Degree, compared with 85 percent of the national adult population according to the National Reentry Resource Center. Most ex-prisoners do not have viable job skills, or sufficient education to obtain employment sufficient to sustain themselves and their families.



Figure 10.4 Female inmates in classroom. [Image](#) is in the public domain.

Inmates have educational opportunities while incarcerated, however only one third of all prisoners choose to participate. Prison programs can assist an inmate with obtaining a GED, teach basic adult education, like good decision making skills, some even teach English as a second language. These programs can improve the ex-prisoner's chances of employment, but the ex-prisoner must choose to better themselves.

More can be done to help break down social barriers which makes transition for ex-prisoners difficult. Providing assistance in finding adequate housing and providing educational opportunities that can lead to gainful employment are all meaningful to successful reintegration and reductions in recidivism. That being true, the ultimate change must come from the person who needs to change their destructive life patterns. Only by changing their actions will the ex-prisoner break the cycle of criminality. Ex-prisoners must choose to abstain from crime. They must choose to avoid substance abuse, choose to avoid gangs, choose to exercise self-control, choose to avoid situations which put themselves at risk. Society can

provide pathways to social redemption, but ultimately the ex-prisoner must pursue chances to improve their situation. Only the ex-prisoner can put forth the effort which can lead to a life worth living.

10.9 - Visible Presence^{lvi}

HOT SPOT ENFORCEMENT

A series of exhausting evaluations have indicated that police can be more effective in addressing crime and disorder when the focus is on smaller areas of geography with high crime rates. These areas are referred to as hot spots and policing strategies focus on these areas are usually referred to as hot spots policing. Hot spots policing includes a variety of police responses which all share a common focus of resources on the locations where crime is highly centered. The definition of hot spots varies from police agencies, from addresses, to certain street areas, to a clusters of street areas. The specific police tactics used to address high crime areas can vary. There is not one way to implement hot spots policing, the approaches can be quite different from police agency to police agency.

The strategies of hot spot policing can be drastically increasing officer time spent at hot spots. The Minneapolis, Minnesota police department conducted a one-year randomized trial to determine the effect of increases in routine police patrols at crime hot spots. For this evaluation, crime hot spots would be small geographic areas of addresses with frequent crime calls. There were 110 hot spots established, with the largest frequency of crime calls between 7:00 pm and 3:00 am. The results showed a reduction in total crime calls from 6 to 13 percent. Police observed crime was only half as prevalent compared to the areas before the control hot spots were established. The greatest effects were on crimes of assault, person down, drug activity, solicitation for prostitution and vandalism. The Minneapolis findings support a hot spot police presence to lower overall crime rate in those targeted areas.

Hot spot policing can also take a complex approach in attempting to improve crime problems. In Jersey City, New Jersey, the police department examined the effects of problem-oriented policing interventions on violent crime problems. They identified violent crime hot spots using robbery and assault incidents and citizen calls for service data. The department then analyzed official data sources and discussing problems with community members, the department investigated the source and extent of the violent crime problems and developed appropriate problem-oriented responses. The analysis identified, 28 specific strategies across 12 intervention places, which can be defined as situational crime prevention interventions or as public order interventions.

Criminal incidents and calls for police service were significantly reduced at the intervention locations compared to the control places. Significant crime reduction took place in the areas of robbery, property crime, street mutual combat, and narcotics crimes. Overall calls and incident reports in total did not decline significantly, however officer's observations suggested that

physical and social disorder were affected in a positive manner at the intervention locations. No evidence was found to suggest the criminals re-located to a different location.

MOTOR VEHICLE ENFORCEMENT

The American Association of State Highway and Transportation Officials (AASHTO) has determined that 93% of all traffic crashes are a direct result of some human factor and that 57% of all fatalities are a result of what could be considered High Risk Driving Behavior. High Visibility Enforcement (HVE) is a proven countermeasure and universal traffic-safety approach designed to create deterrence and change unlawful and risky driving behaviors. HVE combines highly visible and proactive law-enforcement strategies to target a specific traffic-safety issue. Law-enforcement efforts are combined with a marketing strategy to educate the public and promote voluntary compliance with the law. Specific deterrence is defined as the use of some form of punishment for unlawful activity that is intended to discourage a specific individual from re-offending. The objective of specific deterrence is to stop the immediate behavior and to persuade the person who committed the offense from breaking the law in the future.



Figure 10.5 Police patrols are vital to enforcement. [Image](#) is used under a [Attribution-Share Alike 3.0 Unported](#) license.

Conversely, the concept of general deterrence is the overarching goal of HVE. General deterrence is intended to make motorists think twice about breaking the law. For example, drivers who are aware of Click-It-Or-Ticket campaigns and consistently see seatbelt enforcement during their morning commutes will be more likely to wear a seatbelt while driving as opposed to those who do not. Overall, increased public awareness about enforcement efforts will ultimately change risky driving behavior. Increased squads conducting

enforcement in a targeted area to gain voluntary compliance of traffic laws and create general deterrence to prevent traffic violations. Increased enforcement must be visible to the motoring public, they need to see officers making traffic stops. This method has proven effective in reducing traffic and DUI related accidents and fatalities.



Act It Out! Conflict Resolution Exercise

In this exercise, we will look at skills and techniques we can develop to improve our ability to resolve conflicts. We are going to break into groups and identify recent conflicts we have experienced in our personal life. You will be asked to identify trigger words or situations that escalated the problem. Then, your partner will offer a suggestion on how you could have resolved the situation.

Step 1:

Create a conflict sheet (Identify 3 Incidents)

	Subject of Conflict	People Involved	Incident	Trigger Word
1				
2				
3				

Step 2:

In groups of FOUR read your conflict sheet, and the person to the left will provide possible solutions to the incident. Continue around the circle with each person providing an incident and providing a solution.

Step 3:

As an officer, conflicts arise daily. Officers often have to help others resolve conflict. How did this activity help you think through other people’s conflicts? Did you feel comfortable providing solutions? Why or why not?

Step 4:

How did this class help you resolve conflicts?

Endnotes

- ⁱ Congress, N. J. (2003, October 03). "Principles of Good Policing: Avoiding Violence Between Police and Citizens." Retrieved from <https://www.justice.gov/archive/crs/pubs/principlesofgoodpolicingfinal092003.htm>
- ⁱⁱ Ibid.
- ⁱⁱⁱ Ibid.
- ^{iv} Ibid.
- ^v Ibid.
- ^{vi} Ibid.
- ^{vii} Widdig, B., & Breslow, L. (2005, April). Communicating Across Cultures. Retrieved from <https://ocw.mit.edu/courses/global-studies-and-languages/21g-019-communicating-across-cultures-spring-2005/> MIT OpenCourseware
- ^{viii} Reiter, M. L. (2017, August 09). OER Chapter 3 - Culture. Retrieved from <https://www.slideshare.net/maryliareiter/oer-chapter-3-culture>
- ^{ix} (2003). Police & Society: An Interdisciplinary Israeli Journal of Law Enforcement & Criminology (Issue no 7), Israel National Police, Community & Civil Guard Department. <https://www.ncjrs.gov/pdffiles1/nij/242329.pdf>
- ^x Ibid.
- ^{xi} United State Federal Government. Civil Rights Division U.S. Department of Justice. (2017). *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present*. Washington D.C.: Department of Justice.
- ^{xii} U. (n.d.). ADVANCING DIVERSITY IN LAW ENFORCEMENT. Retrieved from <https://www.eeoc.gov/eeoc/interagency/police-diversity-report.cfm>
- ^{xiii} Widdig, B., & Breslow, L. (2005, April). Communicating Across Cultures. Retrieved from <https://ocw.mit.edu/courses/global-studies-and-languages/21g-019-communicating-across-cultures-spring-2005/> MIT OpenCourseware
- ^{xiv} Bureau of Justice Statistics Home page. (n.d.). Retrieved from <https://www.bjs.gov/>
- ^{xv} Ronda, M., & Borough of Manhattan Community College. (n.d.). Criminal Justice in the Urban Community. Retrieved from <https://courses.lumenlearning.com/atd-bmcc-justiceincommunity/chapter/87/>
- ^{xvi} Gokey, C., and S. Shah, eds. (2016). How to Serve Diverse Communities. Police Perspectives: Building Trust in a Diverse Nation, no. 2. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-p345-pub.pdf>
- ^{xvii} US History. (n.d.). Retrieved from <http://www.ushistory.org/>
- ^{xviii} Gokey, C., and S. Shah, eds. (2016). How to Serve Diverse Communities. Police Perspectives: Building Trust in a Diverse Nation, no. 2. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-p345-pub.pdf>
- ^{xix} Ibid.
- ^{xx} Wakeling, S., Jorgensen, M., Michaelson, S., Begay, M., U.S. Department of Justice. (2001). Policing on American Indian Reservations: A Report to the National Institute of Justice (Report No. NCJ 188095) Washington D.C.: The National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/188095.pdf>
- ^{xxi} Gokey, C., and S. Shah, eds. (2016). How to Serve Diverse Communities. Police Perspectives: Building Trust in a Diverse Nation, no. 2. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-p345-pub.pdf>
- ^{xxii} Introduction to Aging and the Elderly. (n.d.). Retrieved from <https://cnx.org/contents/AgQDEnLI@13.6:rN3fhmfq@7/Introduction-to-Aging-and-the-Elderly>
- ^{xxiii} Krameddine, Y. I., & Silverstone, P. H. (2015). How to Improve Interactions between Police and the Mentally Ill. *Frontiers in psychiatry*, 5, 186. doi:10.3389/fpsy.2014.00186
- ^{xxiv} Gokey, C., and S. Shah, eds. (2016). How to Serve Diverse Communities. Police Perspectives: Building Trust in a Diverse Nation, no. 2. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-p345-pub.pdf>. homosexual/transgender.
- ^{xxv} Widdig, B., & Breslow, L. (2005, April). Communicating Across Cultures. Retrieved from <https://ocw.mit.edu/courses/global-studies-and-languages/21g-019-communicating-across-cultures-spring-2005/> MIT OpenCourseware

-
- ^{xxvi} Wymore, D., (2019). "Factors that make people different" Taft: Taft College. D. Wymore consulted the following for this section: Strobels, L. *The Case for Christ: A Journalist's Personal Investigation of the Evidence of Jesus*. And Loftus, J., *Why I Became an Atheist, a Former Preacher Rejects Christianity*.
- ^{xxvii} *Social problems: Continuity and change*. (2015). Minneapolis, MN: University of Minnesota Libraries Publishing. <https://open.umn.edu/opentextbooks/BookDetail.aspx?bookId=141>
- ^{xxviii} Wikipedia contributors. (2019, April 30). Power structure. In *Wikipedia, The Free Encyclopedia*. Retrieved 21:57, July 27, 2019, from https://en.wikipedia.org/w/index.php?title=Power_structure&oldid=894800187
- ^{xxix} Wymore, D. *Basic value formation / Evaluating significant emotional events / Police Officers Cognitive Appraisals for Traumatic Events*. Taft College. http://dev.cjcenter.org/files/apci/APCJ_7-2pdfcOLWELL.pdf_1324066232.pdf
- ^{xxx} Congress, N. J. (2003, October 03). Principles of Good Policing: Avoiding Violence Between Police and Citizens. Retrieved from <https://www.justice.gov/archive/crs/pubs/principlesofgoodpolicingfinal092003.htm>
- ^{xxxi} Ibid.
- ^{xxxii} Fletcher, M. N., "Cultural Competency in Law Enforcement: Assessing Cultural Competence Levels among College Campus Police Departments" (2014). Research Papers. Paper 504. http://opensiuc.lib.siu.edu/gs_rp/504
- ^{xxxiii} Congress, N. J. (2003, October 03). Principles of Good Policing: Avoiding Violence Between Police and Citizens. Retrieved from <https://www.justice.gov/archive/crs/pubs/principlesofgoodpolicingfinal092003.htm>
- ^{xxxiv} Ibid.
- ^{xxxv} Wymore, D. Taft College Instructor
- ^{xxxvi} *ORIGINS AND FOUNDATIONS OF AMERICAN COURTS*. https://www.mcleancountyil.gov/DocumentCenter/View/231/Foundations_and_organization_Illinois_Courts?bidId=
- ^{xxxvii} U.S. Department of Justice. (2000). COMMUNITY COURTS AN EVOLVING MODEL. Washington D.C: Office of Justice Programs Bureau of Justice Assistance. <https://www.ncjrs.gov/pdffiles1/bja/183452.pdf>
- ^{xxxviii} Wymore, D. Taft College Instructor. D. Wymore consulted the following for this section: "The Color of Justice" <https://www.crf-usa.org/brown-v-board-50th-%20anniversary/the-%20color-of-justice.html>
- ^{xxxix} Raber, T. Taft College Instructor
- ^{xl} Ibid.
- ^{xli} Ibid.
- ^{xlii} Ibid.
- ^{xliii} Wymore, D. Taft College Instructor
- ^{xliiii} Leach, D. L. (n.d.). Managing Lesbian, Gay, Bisexual, Transgender, and Intersex Inmates: Is Your Jail Ready? Retrieved from https://community.nicic.gov/blogs/national_jail_exchange/archive/2011/01/25/managing-lesbian-gay-bisexual-transgender-and-intersex-inmates-is-your-jail-ready.aspx
- ^{xliiv} Wymore, D. Taft College Instructor
- ^{xlv} Reprinted with the permission of prisonfellowship.org <https://www.gmuace.org/documents/announcements/5-myths-of-incarceration.pdf>
- ^{xlvi} Center for Substance Abuse Treatment (US). Improving Cultural Competence. Rockville, MD: Substance Abuse and Mental Health Services Administration (US); 2014. (Treatment Improvement Protocol (TIP) Series, No. 59.) Available from: <https://www.ncbi.nlm.nih.gov/books/NBK248428/>
- ^{xlvii} Raber, T. Taft College Instructor
- ^{xlviii} Wymore, D., (2019). Taft: Taft College. D. Wymore consulted the following for this section: Use of Force by Police, Overview of National and Local Data <https://www.ncjrs.gov/pdffiles1/nij/176330-1.pdf>
- ^{xlix} Congress, N. J. (2003, October 03). "Principles of Good Policing: Avoiding Violence Between Police and Citizens." Retrieved from <https://www.justice.gov/archive/crs/pubs/principlesofgoodpolicingfinal092003.htm>
- ^l Ibid.
- ^{li} Ibid.
- ^{lii} Ibid.
- ^{liii} Ibid.
- ^{liiv} Ibid.
- ^{lv} Pittaro, M. (2018, May 15). Why Ex-Prisoners Struggle to Successfully Reintegrate into Society. Retrieved from <https://inpublicsafety.com/2018/05/why-ex-prisoners-struggle-to-successfully-reintegrate-into-society/>

^{vi} Maryland Chiefs of Police Association Law enforcement. (2016). Law-Enforcement Executive’s Guide to High Visibility Enforcement. www.nlelp.org/wp-content/uploads/2016/09/LE_Exec_Guide.pdf

Department of Justice, Bureau of Justice Statistics Special Report

<https://www.bjs.gov/content/pub/pdf/piusp01.pdf> / How Willing are Employers to Hire Ex-Offenders, Harry J. Holzer, Georgetown University, Michael A. Stoll, University of California Los Angeles, Steven Raphael, University of California Berkeley.

https://www.researchgate.net/publication/237570049_How_willing_are_employers_to_hire_ex-offenders/

Recidivism of Prisoners

https://www.bjs.gov/content/pub/pdf/rprts05p0510_st.pdf / National Reentry Resource Center
<https://csgjusticecenter.org/nrrc/facts-and-trends/>