

# The ACJS

## Critical Criminal Justice Section

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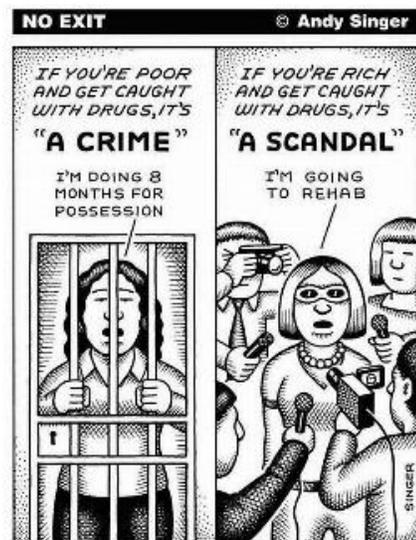
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### Message from the Chair

Happy 2017! With a new year comes new challenges as well as some “leftovers” from the previous year. The Critical Criminal Justice section of the ACJS continues our journey into various prevalent issues. The NBCS (National Conference of State Legislatures <http://www.ncsl.org/research/civil-and-criminal-justice/hot-topics-and-features.aspx>) reveals several issues that are directly connected to the work that we, as critical criminal justice professionals, must focus on and deal with from a research, theoretical, applied perspective. First, various states’ funding issues are having a direct impact on how local jails operate. From booking



## Upcoming Conference

# CRITICAL CRIMINAL JUSTICE SECTION EVENTS OF INTEREST

### Wednesday, March 22

International and Non-Urban Studies on Police-Community Relations Policing/Police and the Community Paper Session 8:00 to 9:15 am Marriott Tower: Floor Third Level - Jay McShann B

ACJS Law and Public Policy Section Showcase Event: American Law Enforcement – What Police Want CJ Scholars to Understand about Policing Policing/Perceptions of the Police Complete Panel 8:00 to 9:15 am Marriott Tower: Floor Third Level - Mary Lou Williams A

Enhancing the Research Through Experience Criminal Justice Education/Teaching Pedagogy Roundtable 8:00 to 9:15 am Muehlebach Tower: Floor Main Level Lobby - Salon 6 (Eisenhower)

Demographic Influences and Juvenile Justice Juvenile Justice/Delinquents, Status Offenders, and Gangs Complete Panel 12:30 to 1:45 pm Marriott Tower: Floor Second Level - Yardbird A

Policies and Politics of Corrections Corrections/Institutional Corrections Complete Panel 2:00 to 3:15 pm Marriott Tower: Floor Third Level - Lester Young B

Critical Perspectives on Crime Criminological Theory/Critical and Conflict Theories Paper Session 2:00 to 3:15 pm Muehlebach Tower:

Floor Main Level Lobby - Salon 2 (Taft) Chair: Josh Klein, Iona College

Feminist Criminology in Action: Linking Research, Teaching, and Practice Diversity and Criminal Justice/Gender and Crime Paper Session 3:30 to 4:45 pm Marriott Tower: Floor Third Level - Andy Kirk B

A Critical Look at Various Responses to Juvenile Offending Juvenile Justice/Delinquents, Status Offenders, and Gangs Paper Session 3:30 to 4:45 pm Muehlebach Tower: Floor Trianon Level – Lido

All Regions Ice Cream Social Academy of Criminal Justice Sciences Annual Meeting Reception 4:30 to 5:30 pm Marriott Tower: Floor Third Level - Third Level Foyer

### Thursday, March 23

The Struggle is Real: How Junior Faculty Link Teaching, Practice, and Research Criminal Justice Education/Teaching Pedagogy Roundtable 8:00 to 9:15 am Marriott Tower: Floor Third Level - Big Joe Turner B

Does an Adversarial Judicial System Encourage Police Misrepresentation of Fact Patterns Courts and Law/Criminal Procedure Roundtable 12:30 to 1:45 pm Marriott Tower: Floor Third Level - Mary Lou Williams A

12:30 PM – 1:45 PM ACJS Critical Criminal Justice Section Executive Salon 6 (Eisenhower) Board Meeting

5:00 PM – 6:30 PM ACJS Critical Criminal Justice Section General Big Joe Turner B Business Meeting and Reception

### Friday, March 24

Perspectives on the Academic Discipline of Criminal Justice Criminal Justice Education/Teaching Pedagogy Paper Session 8:00 to 9:15 am Muehlebach Tower: Floor Trianon Level – Burgundy

Qualitative Research in Criminal Justice and  
Criminology Research Methods/Qualitative  
Methods Paper Session 8:00 to 9:15 am  
Marriott Tower: Floor Third Level - Julia Lee  
B



### Articles and Essays

#### **Is the Criminal Justice System Racist? By Lionel J Booth, Thomas College**

The debate of whether the criminal justice system is racist has been a heated one off and on throughout the history of the United States criminal justice system. The issue has been more intense at certain times, but it has still been around for a very long time. Both sides have supported arguments with empirical work to back them up. In the current review literature of both sides will be summarized and evaluated for a better understanding of which side has more validity

One of the leading researchers into the side saying that cops are not racist is Heather MacDonald author of both *Are the Cops Racist?* and *The War on Cops*. Heather argues that the criminal justice system is not racist and that a lot of the statistics that are based on the argument can be interperated in different ways. In November of 2014 President Obama was addressing the nation about the now famous Michael Brown shooting. As the commander and chief of this nation it was very inappropriate for him to make lite of the rioting

How Do We Know What We Know? Program Review and Outcomes Assessment in Criminal Justice Criminal Justice Education/Community Colleges Roundtable 3:30 to 4:45 pm Marriott Tower: Floor Third Level - Big Joe Turner A and destruction going on, and it was also inappropriate of him to bring up topics of police racism and make it very clear that he did not agree with the decision not to have the officer brought under charges (MacDonald, 2016). This was a classic example of how media can put ideas into the minds of massive amounts of individuals even if the full details of what happened are not revealed. Media and the way it can distort statistics is going to be a central part of the following argument in this review. The Michael Brown case was tragic, nobody is going to deny that. Anytime an officer gets into a deadly confrontation with a citizen is not a joyous time for anyone involved, however there are a lot of factors to the case that are not talked about in the media. Per MacDonald (2016) Michael had just robbed a convenient store before being stopped by officer Wilson, and per some witnesses and certain evidence Brown even attacked officer Wilson and went for his gun. However, if you look at what the media says you will find that a black man was gunned down in the back by a racist police officer, and the entirety of the criminal justice system is racist (MacDonald, 2016).

Another central argument for this side is that cops are not racist and this fight against them is doing more harm to the public then good. Because of the tension and all the accusations of misconduct police are becoming more afraid to interact with the public. This tension has also caused the federal government and the DOJ to get involved and oversee police departments (MacDonald, 2016). When this happens, police departments are spending millions of dollars in investigations internally, pertaining to police bias issues, spending hours doing paperwork, and fearing policing minority groups (MacDonald, 2016). This is time that could be spent on the streets policing and protecting the community.

When talking about police bias and attitudes it is important to bring up the topic of attitudes towards police from minorities. It is no question that there has been some tension between the two groups, but what does the data say? In a study done in 2008, 32 African Americans were interviewed about their interactions with police. The results showed that out of this sample size many felt that their interactions with police were positive; police were seen to be supportive and helpful (Birzer, 2008). While the sample size in the following study was small, and this was only one case the message is still clear. Not all interactions with police are negative. However, the media would have you believe that they are. One negative interaction with police that happens to be caught on camera will get blown up, but dozens of good interactions get overlooked because they are not “news worthy”. The problem is not that the police and minorities have bad interactions; the problem is that the good interactions are not getting any attention.

To strengthen this point current research in 2016 looked at the attitudes toward police and the reasoning behind these attitudes. While the opposing side would like people to think bad attitudes toward police come from their misconduct, the current article has a different answer pertaining to youth: Bad attitudes and interactions with police come from bad interactions based on the youth’s misconduct and inappropriate behavior (Baron, 2016). A study was done on responses from 400 youth between the ages of 16 and 24. Of these youths 17% were African American. The aim of the study was to see if self-control may have an influence on how interactions with police would go. Results showed that youth that had lower self-control were more likely to have a negative interaction with police, and it was also found that youth with low self-control were more likely to have peers participating in criminal behavior, which can also contribute to negative police interactions (Baron, 2016). In no way does any of this research suggest that race has had anything to do with negative police interactions. Criminal behavior is what

makes interactions with police negative, no matter what the race of the person.

Another argument to talk about is incarceration rates. The opposing side would say that the criminal justice system is racist because the incarceration rate for black males is one of the highest rates and is much higher than the rate of white males. On the surface value this argument seems to have a decent amount of validity to it (MacDonald, 2016). However, the rebuttal to this argument is simple. Minority groups commit more crimes. They tend to live in areas that have a high crime rate and while they make up a small amount of the population, they make up a large part of the prison population because most minorities are involved in crime (MacDonald, 2016). This in no way indicates that the criminal justice system is racist.



Finally, it is important to talk about how the police have been the targets of violence recently and how that can contribute to tension between police and citizens. Per CNN’s Jason Hanna (2016) 64 police officers have been shot and killed this year. This has been a drastic increase from last year (Hanna, 2016). It is also possible that with the way tensions are now that number could drastically increase in the years to come.

Media attention swarms around police brutality and sometimes even dehumanizes the police. But what about the other side. In 2016 a female officer was shot on her first day, and an officer who was getting ready to retire was shot and

killed as well (Hannah, 2016). It is not just minorities that are being gunned down it is the people sworn to protect us. However, you don't see police out on the streets chanting police lives matter, and destroying property in the name of protest. It isn't a race issue it's a crime and media issue.

On the flip side of this argument there is a decent body of existing literature that says the criminal justice is racist and is being unfair to minority groups. At the head of this argument you can find author of *The Color of Justice*, Walker. Walker (2012) states that the criminal justice system is racist and that it has many biases towards minority groups.

Rodney King was a black man brutally assaulted by police. A car chase had taken place prior to the incident and when King was apprehended he was beaten beyond belief (Walker, Spohn, DeLone, 2012). After the incident riots broke out because the officers were never charged and held responsible for these crimes, and if it wasn't for police racism these riots would have never happened (Walker, Spohn, DeLone, 2012). It can also be noted that in 2010 there were 9 New Orleans officers that were involved in questionable fatal shootings, Arizona in 2010 passed a questionable immigration law, and Cincinnati has had 15 African Americans shot between the years of 1996 and 2001 (Walker, Spohn, DeLone, 2012).

There is also a clear disparity in the sentencing of African Americans and whites. Walker, et al. (2012) writes that in California data shows that 66% of black Americans are likely to be arrested before they turn 30, this is compared to only 34% of white men. Research has also shown that race is a deciding factor in if someone gets arrested (Walker, Spohn, DeLone, 2012). To this point a study was done in North Carolina in 2000 that highlights this. The researchers conducted a study to determine the purposes behind traffic stops and to find out if race would be a factor in either local police or highway patrol (Warren, 2006). Results

showed that race did play a factor along with age and age of the vehicle (Warren, 2006).

It is impossible to talk about disproportionate sentencing without talking about the war on drugs. After the war on drugs started, sentencing and arrests for drug offenses became much more harsh and prevalent in American society. Because of this, the disproportionality between white and minority arrests has increased drastically (Walker, Spohn, DeLone, 2012). It is also important to note that the new drug enforcement laws gave law enforcement some cushion when it came to arresting for drug offenses, and since the crime does not yield a clear victim, police have more freedom to conduct things in their own way (Walker, Spohn, DeLone, 2012) Data has shown that police are targeting minority neighborhood more than that of whites (Walker, Spohn, DeLone, 2012). It is also worthy to mention that there was and still is a huge sentencing disparity between both crack and powdered cocaine. Even though the drug is the same, the sentencing is different. Originally there was a 100:1 difference in ratio that has not been dropped to 18:1 (Kulze, 2015). What this meant is that users of crack cocaine would receive a much higher mandatory sentence than those using powdered cocaine, the reason for this is that poor minority groups are using crack cocaine while upper class whites are using powdered cocaine (Kulze, 2015).

Another couple of noteworthy arguments, are that the public is reporting that police are being insensitive. Walker, et al. (2012) points out that Hispanic communities are very over-policed, and that during these high police presence the stereotype of illegal immigration comes out (Walker, Spohn, DeLone, 2012). To further rebut the opposing side, per BBC News (2016) the amount of police shootings has significantly gone down over the course of around 30 years.

Both sides have a lot of supporting evidence to back up their arguments. However, it comes down to the fact that the media plays a huge role in deciding what people think. So, to conclude it should be noted that while on the

surface and at a first glance it may seem like the criminal justice system is racist, it is not. The system was never designed to be racist. The system is designed so that if a person is to break the law they are going to be punished. Minority groups tend to live in poverty stricken areas, and these areas generate the most crime. Police shooting of minorities appear to be so rampant because of the attention that they get. When looking at the actual numbers you will see a lot better interactions with police officers than bad. There is no doubt that some people in the criminal justice system are going to be racist, but the system is not.

#### References

- Baron, S. W. (2016). Self-Control, social consequences, and street youths' attitudes towards police. *Canadian Journal of Criminology and Criminal Justice*, 58(4), 502-529.
- Birzer, M. L. (2008). What makes a good police officer? Phenomenological reflections from the African-American community. *Police Practice & Research*, 9(3), 199-212
- Hanna J., Ellis, R., Visser, S. (2016). Fallen officers: 64 shot dead in the line of duty in 2016. Retrieved from <http://www.cnn.com/2016/08/14/us/police-officers-fatal-shooting-line-duty-nationwide/>
- Kulze, E. (2015) How crack Vs. coke sentencing unfairly targets poor people. Retrieved from <http://www.vocativ.com/underworld/drugs/crack-vs-coke-sentencing/>
- MacDonald, H. (2016). *The War On Cops*. New York: Encounter books
- Walker, Samuel, Cassia Spohn, and Miriam DeLone. *The color of justice: Race, ethnicity, and crime in America*. Cengage Learning, 2012.
- Warren, P., Tomaskovic-Devey, D., Smith, W., Zingraff, M., & Mason, M. (2006). Driving while black: Bias processes and racial disparity in police stops. *criminology*, 44(3), 709-738.

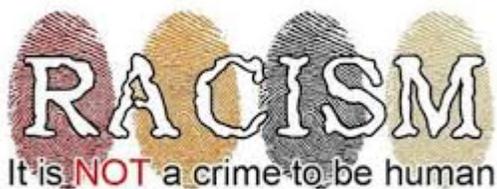
## **Cultural Awareness in Counseling By Sierra Hart, Thomas College**

### Multicultural Issue: Multicultural Competence Counseling

Multiculturalism deals with the co-existence of diverse cultures, cultures include race, religion, cultural behaviors, values, patterns of thinking, and communication styles (Defining Multiculturalism, n.d.). In exploring multiculturalism, I will look at the growing challenges for counselors in understanding these diversities, because the more diverse a community the more counselors need to be aware of when addressing a diverse array of clients. With the rise of different cultural groups within the US population, emphasis is being placed on being culturally sensitive and competent (Thompson, C., & Rudolph, L., 1992). As this diversification is forging a new sociopolitical reality professional counselors are having to work with a new client population. The new diverse population creates unique developmental perspectives and personal concerns that are different from whom mental health professions have become accustomed to working with in the past (Ponterotto, J., 1995). Counselors are encouraged to be aware of cross-cultural counseling issues, as cultural beliefs influence diagnosis and every aspect of the counseling process. With most clients belonging to a minority population it is important to recognize the need for increased awareness and the ability to modify current beliefs. Effective counselors focus on assessing their understanding of their own culture and their biases, understanding the worldview of their clients, and selecting appropriate (Thompson, C., & Rudolph, L., 1992). An up rise in cultural diversity has created the need for multicultural competent counselors. In addressing multicultural competence, a counselor needs to take the approach of understanding the clients culture, while ensuring that they don't impose their cultural values and biases on the client. These types of counselors possess skills that are

necessary to work effectively with clients from various cultural and ethnic backgrounds (Holcomb-McCoy, & Myers, 1999).

When a counselor has to cross cultural backgrounds they face challenges, such as, communication difficulties, misunderstanding the culture and the impact of the culture on the process of counseling, making faulty assumptions about cultural assimilation, failing to understand differences in social class values and orientations, making stereotypical generalizations and assumptions of cultural bias, and failing to understand the worldview of the client (Thompson, C., & Rudolph, L., 1992). Counseling professionals may have different descriptions of multicultural counseling but tend to be aimed around these key aspects: interventions should be sensitive to clients background, age, gender, perspectives, and sexual orientation; counselor plans for differences throughout the counseling process; counseling is culturally based, both counselor and client have different worldviews; clients bring their concerns based on cultural and ethnic background; and counselor and client have different perceptions on the counseling process and the outcomes of the treatment. In becoming a culturally skilled counselor one would partake in multicultural competence training in order to develop their counseling skills to: increase awareness of culturally learned attitudes, beliefs, and values; increase knowledge of culturally relevant facts; and develop skills for interventions that are culturally appropriate (Thompson, C., & Rudolph, L., 1992).



Developing a sense of awareness starts with investigating the counselor's own cultural background and the impact it has on his/her beliefs, attitudes, and values. Counselors must also develop extensive awareness of racism, sexism, poverty, individual differences, other cultures, and diversity. Knowledge is necessary in understanding how behavior effects social class, gender, ethnicity, race, religion, language, age, and exceptionalities. Learning the skills help others to resolve problems or to make decisions in ways that are consistent with the client's culture (Thompson, C., & Rudolph, L., 1992). Counselors must acknowledge the reality of cultural influences; recognize differences as differences, not as deficiencies; and avoid stereotyping and an ethnocentric perspective. Differences between cultures can be in boundaries and physical space, emotional boundaries, kinships terms, hierarchy of needs, and trust issues. Steps that can be taken in understanding clients from other cultures may be to make no assumptions - gather information and re-evaluate personal biases often; learn about the client's culture from sources other than the client; admit ignorance about the culture - be willing to ask questions and to learn; look for similarities in order to connect - find common ground to share; and be sensitive to client expectations and needs - together define counseling (Thompson, C., & Rudolph, L., 1992).

#### Case of Multicultural Competence Counseling

Sam Waterstone, 49-year-old, single, Native American male nurse was referred to DR. Mary Ann Smith for a psychological evaluation by the attorney representing him in a discrimination suit against the local school board. He was born and raised on the reservation and sent into the city to attend high school. He worked through college learning tribal medicine and hosting ceremonies and sweatshops. Sam wanted to learn "white man's medicine" but attended nursing school instead. Sam discussed the lawsuit, feeling that school officials assigned him the most difficult schools, the worst facilities, and the oldest equipment. Reporting that they harassed him

about his traditional hearing practices, his tattoos, and his need to be absent for an extra week at the beginning of the school year to attend a highly valued national tribal medicine gathering. His last tribal medicine ceremony led to him being fired after his request for vacation was denied. As their session concluded they made an appointment for his return for more formal testing, in which he pulled from his pocket a small pouch of tobacco, extending it to the examiner, stating, "It is traditional to give a gift to someone who you think will be able to help you" (Hansen, N. D., Pepitone-Arreola-Rockwell, F., & Greene, A. F., 2000).

In examining Native Americans counselors need to be aware of these elements, spirituality, strong reference to nature, and a deep respect for one's people. Native Americans have a troubled history where their relationship with the U.S. government that is marked with conflict and oppression. The culture is diverse in itself and counselors need to be aware of the elements that contribute to the Native Americans mental health and development (Lee, C., 2014). There for when examining Sam in their first meeting as a multicultural competence counselor, "knowledge of the history of Native Americans in general and Sam's tribe specifically, the examiner could more accurately ascertain the extent of cultural paranoia expressed by Mr. Waterstone (fears about how one will be treated on the basis of a history of prejudice and discrimination) versus the alternate hypothesis of functional paranoia. Likewise, taking into account the cultural context, the examiner would not consider the category of delusional disorder when Mr. Waterstone mentioned that he believes strongly in the spirit world. Mr. Waterstone's status as a medicine man must be appreciated for the examiner to understand the importance that the annual gathering holds, so his actions are not interpreted as irresponsible or frivolous. Given his role as a healer, a collaborative approach to evaluation may be more successful than an authoritative one. Also, the multiculturally competent examiner would probably attribute Mr. Waterstone's dilemma, in part, to the

difficulty of balancing two cultures and his experience of acculturative stress when the two clash. Likewise, the attitudes of school officials regarding naturalistic remedies, and even tattoos, might be best understood in the context of how these attitudes might further alienate Mr. Waterstone, for whom these practices have a much different meaning. In addition to these ethnic considerations, Sam also likely experiences prejudice in the school system as a man in a gender-atypical profession. Mr. Waterstone's manner of presentation might be unsettling unless the examiner realized that he had to focus on her eyes rather than her words to determine if she could be trusted. Moreover, Mr. Waterstone's tattoos and the meaning of the animals on his shirt might be mentioned as an acknowledgment of their importance. Finally, under most circumstances, it would be improper to accept a gift from a client, especially at intake. However, the examiner might make a concession in this case to honor the relational set intended by the gesture" (Hansen, N. D., Pepitone-Arreola-Rockwell, F., & Greene, A. F., 2000).

### Conclusion

Multicultural competence Counselors create a frame of awareness and understanding of the key roles of a client's culture, identity, ethnicity, race, and gender. An effective tool used by multicultural counselors to establish an open acknowledgment of each other's differences. By establishing this rapport, it establishes a sense of willingness to learn about the multicultural client, and showing respect for, their worldview, belief system, and means of problem solving. Learning about the client in this way creates culturally sensitive interventions (Thompson, C., & Rudolph, L., 1992).

In order to be an effective multicultural competence counselor we first need to examine ourselves. The challenges involved with multicultural competence comes from understanding and admitting one's own prejudice first and putting them out of mind in this form of counseling. This can be a challenge

in itself because as a counselor we consistently work to engage both our empathy for our client's experiences and the knowledge that their perception of these experiences can vastly differ from our own. By becoming multiculturally aware we are stepping outside ourselves and learning that everyone experiences life differently (Ponterotto, J.,1995).

In conclusion being aware of one's own actions and thoughts can help build an effective rapport with a multicultural client. There can be many diverse clients that need to feel that they are not being judged based on their worldview. By looking at Sam the Native American where the multicultural competent counselor adjusted her point of view and way of counseling by being aware of the cultural differences. Being culturally aware of other cultures is one of the most important factors of being an effective multicultural counselor. With the changing diversity in society being multiculturally competent opens more opportunities as a counselor in understanding society and the new diverse culture.

### Bibliography

- Defining Multiculturalism (n.d.). Retrieved December 01, 2016, from <http://www.ifla.org/publications/definining-multiculturalism>
- Hansen, N. D., Pepitone-Arreola-Rockwell, F., & Greene, A. F. (2000). Multicultural competence: Criteria and case examples. *Professional Psychology: Research and Practice*, 31(6), 652.
- Holcomb-McCoy, C. C., & Myers, J. E. (1999). Multicultural competence and counselor training: A national survey. *Journal of Counseling and Development: JCD*, 77(3), 294
- Lee, C. C. (Ed.). (2014). *Multicultural issues in counseling: New approaches to diversity*. John Wiley & Sons.
- Ponterotto, J. G. (1995). *Handbook of multicultural counseling*. Thousand Oaks, CA: Sage Publications.

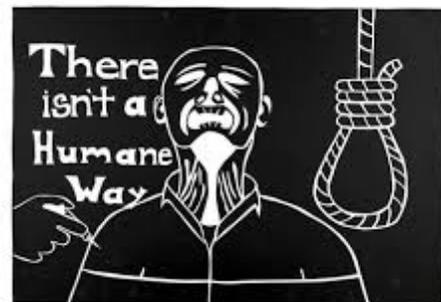
- Thompson, C. L., & Rudolph, L. B. (1992). *Counseling children*. Thomson Brooks/Cole Publishing Co.

## **Capital Punishment: Is it Racially Biased?**

**By Nicole Violette, Thomas College**

In recent years, there has been much speculation regarding racism within the criminal justice system of the United States. It has been suggested time and time again that the system itself has been designed to benefit whites while also targeting minorities. These same accusations relate to the topic of capital punishment, but there is some debate surrounding the accuracy of these allegations. Does racial bias truly exist in relation to the death penalty? Or is there another possible explanation to take into consideration?

According to Dudley Sharp, a self-described pro-death penalty advocate and resource director for Justice for All, a criminal justice reform organization, there is another explanation that deserves our attention. Too often, people focus on the numbers presented without fully understanding what they mean. The Death Penalty Information Center reports that of murderers executed, 35% were black while 56% were white. Because blacks represent only 12% of the population while 74% is made up of whites, it is often quickly concluded that this is evidence of systematic racism (Sharp, 1999).



However, executions within the United States are not based on populations, but rather the crimes committed. Blacks, despite having a smaller population, represent 47% of murders compared to only 37% by whites (Sharp, 1999). This means that whites are actually twice as likely to be executed for committing a murder than blacks. Moreover, whites who are sentenced to death are executed on average 17 months more quickly than blacks. Sharp argues that all this can mean only one thing: prosecutors, judges, and juries are not focusing on the race of the defendant, but rather the crime committed (Sharp, 1999).

Dudley Sharp is not the only one who believes alternative explanations exist. According to Kent Scheidegger, the legal director of the pro-death penalty Criminal Justice Legal Foundation, fewer prosecutors in heavily minority areas who are willing to seek the death penalty are to blame for racial differences. Because prosecutors in more conservative counties are more likely to use the death penalty, it produces the effect that the death penalty is used more in white victim cases (Cosgrove-Mather, 2003). However, Sharp argues that this effect is simply politics, not discrimination.

Perhaps the problem doesn't lie within the system itself, but within the people who make the decision of who lives and who dies. Maybe we should really be focusing our attention on the judges, prosecutors, and jury members. Studies have shown that since 1976, the executions for interracial murders in the United States have been significantly different between white defendants with black victims and black defendants with white victims (Harrisk, 2016). Only 20 white defendants were sentenced to the death penalty for murdering a black person, compared to 282 black defendants that received the death penalty for killing a white person (Harrisk, 2016).

What could possibly account for the difference in outcomes between the trials of black defendants compared to the trials of white defendants? One huge factor could be the jury

itself. A 2001 study of death penalty cases showed that 25% of juries had no black members at all and about 70% had two or fewer black members (Harrisk, 2016). It seems unfair that a white man could be tried in front of a completely white jury and be found not guilty or receive a lesser charge, while a black man could also be tried in front of an all-white jury and be sentenced to death.

Let's not forget the defense counsel and the role it plays in these outcomes. While investigating the influence of racial bias, the focus is often placed on the jury members and prosecution, completely neglecting to take into account the affects that representation can have on the outcome of a trial (Eisenberg, 2004). The fate of a client can heavily depend on the case built for them by their defense lawyer. Because of this, it is important to consider the role that the racial attitudes of capital defense lawyers play. Unfortunately, researchers to date have expressed very little interest in the attitudes of defense lawyers, which means we know virtually nothing about the racial attitudes of lawyers in general, let alone defense lawyers or capital defense lawyers (Eisenberg, 2004).

It's also worth mentioning that there can be a significant difference in representation between court appointed lawyers and private lawyers. Many people believe that being represented by a court appointed lawyer negatively impacts the outcome of the trial. It has been suggested that racial minorities are particularly disadvantaged, as they are more likely than whites to be poor and, therefore, less likely to be able to afford a private lawyer (Lawyers, 2016).

Some people believe that court appointed lawyers are not good at their job or do not care about the results of the trial as much as well-paid private lawyers do. In reality, most court appointed lawyers are very good at what they do, despite not having a huge price tag on their services (Lawyers, 2016). In fact, the case has even been made that court appointed lawyers have several advantages over private lawyers. "Most public defenders are committed to the

cause of justice and want to help you get the best possible result. They have the resources of a publicly-funded office (including investigators), which private attorneys may not have. In large cities, public defenders are often the leaders in the defense community, with significant experience and ability” (Lawyers, 2016). Many court appointed lawyers take their work very seriously and want the best possible outcome for their clients, regardless of race. They also have access to all the tools and resources they need to build a strong case and have the experience to successfully present it in front of a judge or jury.

Others argue that court appointed lawyers have an advantage because they are likely to be more acquainted with the judge and prosecutor. “Both public defenders and court appointed counsel, who are in the courthouse all the time handling criminal cases, are likely to be familiar with the judge assigned to your case and the prosecutor handling it. That experience translates into solid and reliable advice. Few private attorneys can match the number of hours spent in criminal court by these lawyers, and their knowledge of the criminal justice system and the players in the courthouse generally works in your favor” (Lawyers, 2016). Sometimes court appointed lawyers have a sort of home field advantage over a visiting private lawyer.

Studies conducted on this topic have yielded some interesting results. “Overall, the descriptive section showed that defendants who hired their own attorneys were just as likely to get convicted and actually received longer sentences compared to defendants represented by public defenders. The one area in which private attorneys seemed to be doing better involved the decision by courts to incarcerate defendants. The descriptive analysis found defendants with private attorneys being incarcerated less frequently compared to their counterparts with indigent counsel” (A public defender, 2011). While hiring a private lawyer is unlikely to prevent you from being convicted or receiving a long sentence, it might improve your chances of not being incarcerated.

Despite all of this, there is no lack of examples in which race seems to be the deciding factor in whether or not the defendant received the death penalty. In 2000, a black man named Johnny Bennett was tried in South Carolina for stabbing and killing his friend. During the sentencing phase of the trial, the prosecutor, Donald Myers, focused on Bennett’s conviction of cross-racial assault, which took place twelve years earlier (Bookman, 2015). “He called to the stand one of the victims, who testified that he’d dreamed ‘black Indians’ were chasing him. Myers himself referred to Bennett as ‘King Kong’ and a ‘beast of burden,’ and elicited from another witness that Bennett’s prior girlfriend had been a ‘blond lady’ - a not-so-subtle reminder to the all-white jury that the defendant had dated a white woman” (Bookman, 2015). Bennett was sentenced to death.

In 2009, Felton Dorsey, a black man, was convicted of murder and sentenced to death in Caddo Parish, Louisiana. Dorsey insisted that a racist atmosphere had been created by the courthouse, which maintained a Confederate flag memorial on its grounds. His lawyers argued that the flag served as a reminder of an era when the lynching and enslavement of blacks was permitted by law (Bookman, 2015). “The state Supreme Court rejected Dorsey’s claim, concluding that, while the display might be ‘offensive to some,’ his lawyers didn’t object at the time of the trial, so the claim was improperly before the court. The judges also rejected a statistical claim offered by the Louisiana Association of Criminal Defense Lawyers, which had studied 120 jury trials over a 12-year period and determined that Caddo Parish prosecutors dismissed black jurors at more than triple the rate of white jurors” (Bookman, 2015). Dorsey remains on death row.

In 1983, Demetrie Mayfield received a death sentence after his attorney, S. Donald Ames, allegedly failed to properly represent him due to his race. Even according to his own daughter, Ames was a racist (Bookman, 2015). “His contempt for us [his family] was exceeded

only by his contempt for people of other races and ethnic groups. He especially ridiculed black people, referring to them with racial invectives. He used such terms and phrases as ‘nigger,’ ‘schwartz,’ ‘jig,’ ‘jungle bunnies,’ ‘trigger the nigger,’ and ‘shoot the coon to the moon’” (Bookman, 2015). However, the 9th Circuit Court of Appeals was unmoved because Ames’ racial animus was not specifically aimed at Mayfield and, therefore, Ames’ hatred of blacks could not be directly traced to the prejudice suffered by Mayfield (Bookman, 2015).

The list of similar cases with the same outcome goes on and on. While it is evident that racism has existed in the United States, some people argue that it is a thing of the past and is no longer an issue. Others argue that racial bias is still very prevalent today and plays an active role within the criminal justice system, including in the application of the death penalty. It is difficult to say who or what is to blame for this, but it seems the statistics and how they are interpreted, as well as judges, jury members, lawyers, and prosecutors all need to be taken into account when making that decision.

#### References

- Baldus, D., Woodworth, G., Zuckerman, D., Weiner, N. (1998). Racial discrimination and the death penalty in the post-furman era: an empirical and legal overview with recent findings from Philadelphia. Cornell Law Review. Retrieved from <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=2741&context=clr>.
- Bookman, M. (2015). 5 death penalty cases tainted by racism. Mother Jones. Retrieved from <http://www.motherjones.com/politics/2015/03/racism-courtroom-5-death-penalty-cases>.
- Cosgrove-Mather, B. (2003). Death penalty discrimination. CBS News. Retrieved from <http://www.cbsnews.com/news/death-penalty-discrimination>.
- Eisenberg, T., & Johnson, S. (2004). Implicit racial attitudes of death penalty lawyers. Cornell Law Library. Retrieved from <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1364&context=facpub>.
- Harrisk, J. (2016). The death penalty. Rampages.us. Retrieved from <https://rampages.us/harriskj4/2016/11/24/the-death-penalty>.
- Sharp, D. (1999). Pro & con: the death penalty in black and white. Pro Death Penalty. Retrieved from <http://www.prodeathpenalty.com/racism.htm>.
- Staff, Apublicdefender.com. (2011). Public defenders vs assigned counsel vs private attorneys. Apublicdefender.com. Retrieved from <http://apublicdefender.com/2011/07/21/public-defenders-vs-assigned-counsel-vs-private-attys-round-i-lost-count/comment-page-1/>.
- Staff, Lawyers.com. (2016). Before you fire your court appointed lawyer. Lawyers.com. Retrieved from <http://criminal.lawyers.com/criminal-law-basics/before-you-fire-your-court-appointed-lawyer.html>.

ACJS Critical Criminal Justice  
Section Awards

**The Critical Criminal Justice Scholar Award**

Honors a person for distinguished accomplishments that represent issues related to critical criminal justice through scholarship across the most recent two-year period in a form of a noteworthy book contribution focusing on critical criminal justice. Nominees for this award need not be a member of ACJS or the Critical Criminal Justice Section at the time of the nomination. It is expected, however, that award winners will, upon notification of having been selected for the award, become a member of ACJS and a member of the Critical Criminal Justice Section. He or she should provide evidence of quality scholarship (primarily through a noteworthy book). Winners of this award will be recognized at the Section meeting each year (attached to the ACJS annual meeting), will receive a plaque and all efforts will be made to sufficiently showcase the work of winners (e.g. in the Section newsletter, posted on its website, etc.).

**The Critical Criminal Justice Section's Outstanding Graduate Student Paper Award**

This award provides recognition of a graduate student who produces an outstanding paper on an issue associated with critical criminal justice and to provide the award winner with a travel stipend intended to be used for attending and presenting at the annual meeting of ACJS. A student who is nominated for the paper competition need not be an ACJS member at the time of the *nomination*. *It is expected, however, that award winners will, upon notification of having been selected for the award, become a member of ACJS and a member of the Critical Criminal Justice Section. The student must also be enrolled in an institution of higher learning at the time he or*

she submits a paper for consideration. It is recognized that a student could graduate prior to the time of the award or the next annual meeting where the paper will be presented. In order to receive the award and the travel stipend (see below), the student must be present at the annual meeting and actually present the winning paper. The paper can be co-authored with other students, but cannot be co-authored with a faculty member. If the paper has multiple authors, the winners will share the established travel stipend.

There were no nominations or submissions this past year.



**The Critical Criminal Justice Lifetime Achievement Award**

Honors a person for distinguished accomplishments that represent issues related to critical criminal justice through scholarship, teaching, or service across a long career focused on critical criminal justice issues. Thus, this award is broad in scope such that nominees can have engaged in critical criminal justice, excellence in teaching on matters that symbolize critical criminal justice, or service/outreach to the community or academy that has had a direct impact on local citizens, criminal justice agencies, etc. Winners of this award will be recognized at the Section meeting each year (attached to the ACJS annual meeting), will receive a plaque and all efforts will be made to sufficiently showcase the work

of winners (e.g. in the Section newsletter, posted on its website, etc.).

### **The Critical Criminal Justice Section's Outstanding Undergraduate Student Essay Award**

This award provides recognition of an undergraduate student based on an assigned essay focused on an issue associated with critical criminal justice. Students need not be an ACJS member at the time of submitting their written essay. It is expected, however, that award winners will, upon notification of having been selected for the award, become a member of ACJS and a member of the Critical Criminal Justice Section. The student must also be enrolled in an institution of higher learning at the time he or she submits a written essay for consideration. The essay must be a single-authored student contribution. A certificate will be conferred to the winning student and announced at the Annual Business Meeting and in the Section newsletter. Please send inquiries for additional details to Robert Clark at [rclark@pennhighlands.edu](mailto:rclark@pennhighlands.edu).

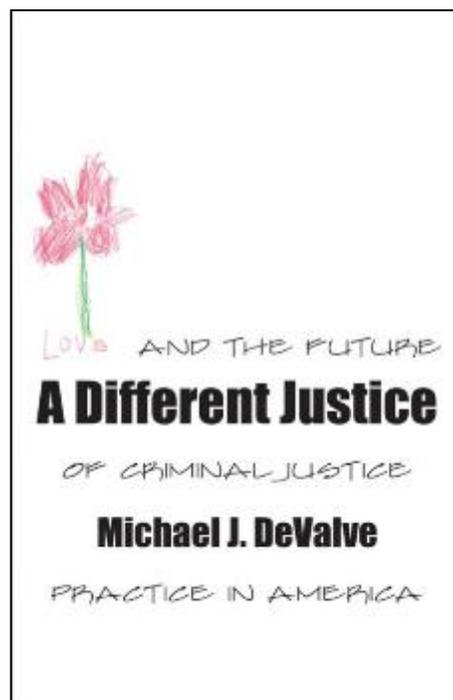
Please send nominations or graduate papers for these awards to Dr. Robert Clark at [rclark@pennhighlands.edu](mailto:rclark@pennhighlands.edu). The deadline for these awards is January 31 of each year.

### **General Announcements**

**DeValve, Michael J. *A Different Justice: Love and the Future of Criminal Justice Practice in America.* Durham, North Carolina: Carolina Academic Press, 2014.**

“It is a masterful work. I don't know of anything like it in criminology/criminal justice/sociology. It includes the author's many years of thinking about crime and justice—and

his many years of reading and practicing the wisdom literature that is usually outside the confines of our discipline. I also appreciate knowing about his family, and the generations, in his development and life—all in relation to his writing this book on criminal justice.” —  
*Richard Quinney, professor (retired), Northern Illinois University, author, photographer*



This book is intended for advanced students of criminology, for policymakers, for those who seek a more meaningful justice practice. It would be at home in classes on policy, restorative justice, social justice, social change, and criminological theory. If I have done my job well, everyone will be challenged by what's inside, and everyone will find something familiar, something of themselves, between the covers. Here, though, is more than hope; there is a certainty of a more meaningful justice in our future, should we choose to invest ourselves in it. Here also are tools needed to remember that which we have forgotten, in order to craft a justice service that honors the very best in us, a justice system worthy of our children.

The purpose of this work is to discover what justice would look like were it predicated on love. Sacred sources, including Christianity, Islam, Buddhism, and Hinduism, along with the thought of scholars like Erich Fromm, Karl Marx, Simone Weil, and Paolo Freire, are examined in detail for insights into the nature of love. Space is devoted to an attempt to understand why American justice

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Teachers' Manual Available  
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<http://www.cap-press.com/books/isbn/9781611634518/A-Different-Justice>

## ACJS Critical Criminal Justice Section Mentor Program

The ACJS Critical Criminal Justice Section is initiating a Mentor Program. Our desire is to connect new faculty members with more experienced criminal justice faculty who specialize in using Critical Criminology as a tool for writing and research. The mentor activities can take the form of offering advice or other agreed upon functions such as evaluating materials written for professional publication. Please contact Lloyd Klein ([lklein@hostos.cuny.edu](mailto:lklein@hostos.cuny.edu)) or Robert Clark ([rclark@pennhighlands.edu](mailto:rclark@pennhighlands.edu)) if you wish to serve as a mentor or seek a mentee. Applications for mentees should include a brief

description of a proposed project. We will gather mentor and mentee requests and facilitate matchups soon as there is a sufficient initial pool.

## About our Section and Newsletter

**Mission Statement:** The Critical Criminal Justice section promotes empirical and theoretical work on the ways in which ethnic/racial, class, and gender inequality contribute to crime and social control.

**Section News:** We are always interested in hearing from our members and invite you to submit postings for our electronic newsletter. Send submissions to either Joshua Klein at [jklein@iona.edu](mailto:jklein@iona.edu)

**Member Benefits:** Our section website and e-mail list-serve serves as a clearinghouse for information and an exchange of ideas among section members. Membership gets you access to our electronic newsletter (twice a year) and an opportunity to interact with criminal justice scholars from around the U.S. and the world. We also are always seeking individuals interested in contributing to service to the Section and in a variety of ways.

**Maintain your membership to the Section at:** [http://www.acjs.org/pubs/167\\_671\\_2920.cfm](http://www.acjs.org/pubs/167_671_2920.cfm)

**Section Awards:** The Section currently has four awards: 1. The Critical Criminal Justice Scholar Award, 2. The Critical Criminal Justice Lifetime Achievement Award, 3. The Critical Criminal Justice Graduate Student Paper Competition Award, and 4. The Critical Criminal Justice Undergraduate Student Paper Competition Award. The criteria are included elsewhere in this newsletter and the submission date for all four awards will be January 31.

### Executive Board:

- Chair –Robert Clark, Pennsylvania Highlands Community College – [rclark@pennhighlands.edu](mailto:rclark@pennhighlands.edu)

- Vice-Chair – Michael DeValve
- Secretary/Treasurer – Michael DeValve
- Executive Counselors – Steve Dyer, Thomas College – [dyers@thomas.edu](mailto:dyers@thomas.edu)
- Newsletter Editors – Josh Klein, Iona College – [jklein@iona.edu](mailto:jklein@iona.edu)
- For future newsletters, please send submissions to the newsletter editors!

