



# Multiculturalism and the Criminal Justice System



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# MULTICULTURALISM AND THE CRIMINAL JUSTICE SYSTEM

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# PREFACE

## INTRODUCTION

This text was written at a time when multiculturalism is a primary issue in society, in general, and criminal justice, in particular. Since the dawn of the current millennium, both multicultural issues and trends toward globalization have impacted the United States in a manner that may likely be unprecedented. For instance, the tragedy of 9/11 resulted in an international War on Terror that generated a number of racially based incidents within the United States and also required thousands of U.S. service men and women personnel to serve in the Middle East, where they would be exposed to cultural groups with whom they were not familiar.

This demonstrates how an international incident on American soil can impact the behaviors of citizens at home and, at the same time, require others to go abroad and return home with new knowledge and views that make peoples of the Middle East more familiar. This also shows how multiculturalism and globalization are often inter-related, as well. What happens on American soil does not necessarily affect only the United States and, conversely, what happens abroad does not stay abroad. Rather, there is an intersection of the two concepts.

We wanted to begin our introduction with this point because this is, perhaps, a defining aspect of this text. The United States does not exist in a worldwide vacuum but instead is a complicit partner with the rest of the global community. Going further, what happens in the world impacts the United States internally and especially with regard to how cultural groups intermingle within the borders of the United States. We no longer have any true separation; rather, our borders and our cultures are all semipermeable.

The semipermeable nature of the world's cultural and lifestyle boundaries has impacted the field of criminal justice. Furthermore, this impact affects all segments of the criminal justice system and does so regardless of whether one examines these issues from the role of a practitioner or from the perspective of an offender who is processed through the system. In either case, the impact of a more diversified society has a continual influence upon the United States. It is from this perspective that we present *Multiculturalism and the Criminal Justice System*.

## INTENDED AUDIENCE AND INTENDED USE

This book is written primarily for the undergraduate criminal justice student. While it is plausible that this text could be used at the graduate level, its focus on systemic issues in criminal justice might be a bit basic for many graduate students. Regardless, this text is ideal for courses that address minorities or diversity in the criminal justice system. This text could also be used in some social justice courses, but it is not, of itself, written with a purely or even predominantly social justice orientation. Rather, this text attempts to provide a detailed view of various facets of multiculturalism that are encountered in the realm of criminal justice.

In addition, it should be noted that each chapter is written so that it can either be used as a standalone chapter to provide a framework for a specific lecture on a specific minority group or, in another vein, be used to focus on a specific segment of the criminal justice system with which different minority groups come into contact. One

could approach the use of this text from either perspective. No matter what is desired, the text is comprehensive and is very contemporary when considering issues related to diversity in the criminal justice system as well as society as a whole.

## **ORGANIZATION OF THIS BOOK**

Generally speaking, this text is organized in a manner that addresses multiculturalism, cultural competency, and diversity issues, while also following these issues throughout each segment of the criminal justice system. The first five chapters of this text provide the reader with a basic understanding of multiculturalism and the need for cultural competence. Of equal importance, those five chapters lay the groundwork for understanding specific diverse populations. The remaining chapters address the primary areas of the criminal justice system in a progressive manner, going from law enforcement to the courts, then to corrections, along with a couple of chapters addressing the juvenile justice system. We believe this approach portrays comprehensively the multicultural issues in the criminal justice system. More specifically, the content of the chapters is as follows:

Chapter 1, “Minorities, Diversity, Multiculturalism, and Globalization and the Criminal Justice System,” begins by presenting the case that in the United States the demographics of the population, views on religion, sexuality, and cultural mores have resulted in a very fluid social system. This social system is greatly impacted by influences within and beyond the nation’s borders. Moreover, economic and political developments have resulted in a large degree of interdependence between the United States and other nations. In addition, we show that a trend has emerged among lawmakers and the judiciary to adopt, or at least consider, social views from the global community. Altogether, these developments have required that the U.S. criminal justice system be dynamic and adaptable. The criminal justice system of the United States will find itself in contradictory roles, with demands for maintaining positive community relations among diverse groups being countered with the need to provide tougher protections against criminal activity that is imported into the United States.

Chapter 2, “Racial Minorities, Assimilation, Acculturation, and Classism in a Democratic Society,” discusses issues associated with the assimilation and acculturation of minorities into mainstream society; stereotyping and prejudice have also been presented to serve as a groundwork for future chapters that will be more specific to topics related to the criminal justice system and the interface of minority groups in that system. When addressing multiculturalism in the criminal justice system, there is always the likelihood that these issues will be relevant at one point or another. In this chapter, we address these foundational terms and concepts and note that they apply to the remainder of the text.

In Chapter 3, “Minorities Based on Age and Disability,” we discuss how the elderly and disabled are two minority groups that frequently overlap. Both are known as cultural minorities because of disadvantages that they possess due to preferences that have been established in our social system. These two minority groups are participants in courts, and correctional and law enforcement systems as employees, victims, and offenders.

As our population ages the elderly and disabled will themselves be tasked to identify each population subset and to determine how the disabled need special considerations.

In Chapter 4, “Minorities Based on Gender and Sexual Preference,” we cover two specific populations that have struggled to gain acceptance and respect within the criminal justice system, particularly in policing and correctional agencies. Both women and the LGBT population have been marginalized in society and also suffer from sexualized violence, victimization, and harassment. It is in this manner—through the gendered experiences of these two groups—that they share similarities in experiences though, of course, the challenges each have faced are not identical. Throughout the remainder of the text, it will be noticeable that we make an active effort to integrate boxes and sections within each chapter that include these two minority groups.

Chapter 5, “Cultural Competence and Cross-Cultural Communication in Agencies,” explains the concept of cultural competence and provides an overview of the different levels of competency along a continuum of possibilities. In this chapter, we also discuss the means by which cultural competence can be implemented and maintained within criminal justice agencies. Amidst this discussion, we believe that religious diversity must also be considered if we are to be competent with many of the cultural groups that we will encounter in the criminal justice field. Intercultural communication is another key aspect of this chapter. We likewise provide an overview of the use of interpreters as well as bilingual individuals. Additional considerations regarding cross-racial communication are provided, as well as information related to intercultural interviews and interrogations.

In Chapter 6, “Law Enforcement and Minorities: Specific Demographic Groups, Victims, and Offenders,” we cover issues related to police–community relations with respect to African Americans, Latino Americans, Native Americans, Asian Americans, and Middle Eastern Americans. For each group, we provide demographic and/or historical background. It is our intent to avoid rehashing the same material that has been covered on each group in previous chapters. Yet, at the same time, it is necessary to provide history in some circumstances if it relates to how police relations with a given group have developed over time and/or demonstrates how that group has been impacted in the past. Past experiences in previous generations will be part of the social teaching that younger generations acquire today, so the historical context of policing with respect to these groups can be very important.

Chapter 7, “Law Enforcement and Minorities: Community Relations, Hiring, and Training,” largely focuses on police–community relations with respect to various racial and/or ethnic groups that we discussed earlier in Chapter 6, as well as other diverse groups discussed in Chapters 3 and 4. The key point of this chapter is to demonstrate how police agencies can benefit from positive relationships with the surrounding community that they serve. In this chapter, we again point out how globalization has impacted diversity in the United States and discuss likely trends in policing as a result of this.

In Chapter 8, “The Courts and Minorities,” we show how minorities are underrepresented within the judicial realm of the criminal justice system. Indeed, as we show, there is a serious underrepresentation of minorities among judgeships as well as other positions (such as district attorneys). Issues related to bias in the court system, based on race, are also discussed. The key message in this chapter is that the judicial system of the United States must become more diverse; otherwise bias and skewed outcomes in meting out justice will be the continued final product.

Chapter 9, “Minorities in the Court System,” first confronts readers with the grim circumstances for minorities who need legal assistance. We begin with a historical overview of the tainted forms of representation that existed in times past, citing historical precedence, and continue with a presentation of the indigent defender system. The

public defender system, bail-setting, and prosecutorial discretion are also further discussed. Disparity and discrimination in sentencing are discussed, along with jury nullification. We likewise present a section that highlights disparity in the application of the death penalty and provide a detailed analysis of this issue.

In Chapter 10, “Corrections, Classism, Poverty, and Minority Groups,” we provide an extensive discussion on how poverty correlates strongly with those who get prison sentences. The impact of slavery on corrections during the pre-Civil War era is also examined. To some extent, this helped set the stage for the demographics we currently observe in the United States. In this chapter, we also discuss the addicted population, the mentally ill in prison, and immigrant offenders as people in need of specialized services. We then discuss Hispanics, Middle Easterners, Asian Americans, and African Americans, explaining how these groups contend with negative services. Lastly, in this chapter, we also discuss religion inside prison facilities and explain how this is an important aspect of multicultural correctional operations.

In Chapter 11, “Corrections and Minorities: Minorities, Gang Affiliation, Gender, and Staff Issues,” we provide an overview of some of the historical antecedents that have shaped prison dynamics today. For instance, the War on Drugs has had a significant impact on the prison population, in terms of both numbers incarcerated and racial group. This chapter also addresses the prison subculture and explains how this impacts and reflects both the coalescing and conflicting nature of these norms and mores, which are inverted from the outside society. In addition, we discuss the professionalization of corrections. We demonstrate that the means by which employees have been trained in correctional agencies greatly impact the organizational culture within prison systems. Furthermore, the informal subculture within prisons has typically been paramilitary and male-dominated. More frequent integration of female staff and the intentional diversification of staff have ameliorated some of the negative aspects of this strict and often oppressive internal culture. All of these changes in prison operations have been rapid and difficult to transition, sometimes requiring statewide monitoring by the federal government.

We turn to juvenile issues next, in Chapter 12, “Juvenile Minority Wellness and Health Disparities, Gender, Sexual Identity, Youth Culture, and Social Class,” and explain that youth are a distinct class and category of individuals in society who share a common characteristic (age) and also have specific challenges that are unique to their group. Furthermore, we note a number of issues associated with youth related to their likelihood of being processed through the juvenile system. In addition, many of the variables that lead to a youth being in contact with the juvenile system have to do with aspects of their development, such as family life, educational access and achievement, sexual activity and pregnancy, as well as health and wellness indicators. In addition, we pay specific attention to the effects of discrimination on the development of youth, including potential health effects as well as the psychological impact of discrimination. Likewise, this chapter provides specific attention to sexual minority youth, or youth who have same-sex preferences. This population has grown among the younger generation and we consider our coverage of this aspect of diversity in the juvenile population to be quite progressive. Lastly, we discuss the impact of social class and poverty on youth, particularly minority youth, because minority youth are disproportionately represented among the lower-income strata of the population.

In Chapter 13, “Types of Juvenile Offending, Gang Affiliation by Race and Gender, Disproportionate Minority Contact in Juvenile System,” we focus on minority youth based on racial and/or ethnic group and we provide an overview of disproportionate

contact at multiple points in the justice system, which ultimately result in the disparities in confinement that we see today. We further discuss disproportionate minority contact (DMC) in the juvenile system and make this a large part of our discussion on multiculturalism and juvenile justice. We also further address issues related to female youth in the justice system. We have identified women and, just as correctly, young girls, as a minority group worthy of exploration when addressing diversity and the need for gender-appropriate knowledge and response in the justice system.

In Chapter 14, “Cultural Competence Training, Assessment and Evaluation of Cultural Competence, and Evidence-Based Practices in Culturally Competent Agencies,” we provide students with information on how agencies can assess and implement culturally competent practices. We begin with a discussion of how one might assess the cultural competence of an agency and provide understanding of how agencies can develop policies that encourage, establish, and sustain cultural competence throughout. Beyond this, the agency must then be evaluated, over time, to determine whether these initiatives have been effective and to determine where improvements can be made.

Lastly, in Chapter 15, “Future Multicultural Trends in Criminal Justice,” we provide an analysis of what we have covered thus far, in this text, and speculate as to the likely trends that we will see in the future.

## THE BOOK’S ORIENTATION AND THEME

The text addresses a wide range of diverse groups in society as they relate to the criminal justice system. It examines perspectives from the vantage point of the practitioner, offender, and victim. In addition, this text uniquely integrates globalization issues, with multiculturalism, in the United States, and demonstrates how the two aspects work in tandem to impact the criminal justice system. This text makes a point to address diversity and multicultural issues in the policing, judicial, correctional, and juvenile justice segments of the criminal justice system. Most textbooks on this topic do not provide similar breadth and depth in discussing multicultural issues in the criminal justice system. Our theme of presenting these topics amidst the reality of globalization is unique to our text; to date, we can find no other that truly acknowledges the impact of globalization and immigration on our understanding of diversity and multiculturalism within the U.S. borders.

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# Minorities, Diversity, Multiculturalism, Globalization, and the Criminal Justice System

## LEARNING OBJECTIVES

After reading this chapter, students should be able to do the following:

1. Identify and discuss the terms “minority,” “cultural diversity,” and “racial diversity.”
2. Explain how the impact of globalization has created new demands for the U.S. criminal justice system, both inside and outside the nation’s borders.
3. Discuss multiculturalism and explain how current immigration processes are increasing the need for this approach in our criminal justice system.
4. Discuss how historical trauma has been inflicted on, and how it has impacted, specific groups within the United States.
5. Assess the likely future of the criminal justice system due to challenges within and without the nation’s borders.

## KEY TERMS

*Atkins v. Virginia*

Cultural diversity

Department of Homeland Security

Globalization

*Grutter v. Bollinger*

Historical trauma

Immigration

Immigration and Customs  
Enforcement (ICE)

Comprehensive Immigration Reform  
Act of 2007

Jim Crow laws

*McCreary County v. ACLU  
of Kentucky*

Minority

Multiculturalism

North American Free Trade Alliance  
(NAFTA)

Racial diversity

Secure Fence Act of 2006

Strive Act

Minority status

Intergenerational trauma



## INTRODUCTION

When writing about multicultural issues in the criminal justice system, it quickly becomes clear that the topic is broad and multifaceted. The precise reason for this is that this topic, when handled correctly, is one that splinters into a multitude of groupings and issues that, from a layperson perspective, are not readily apparent at the mere mention of the words “minority” and “diversity,” whether from a criminal justice perspective or otherwise. However, the aim of this text is to demonstrate that the term “diversity” itself has diverse meanings. This is actually not just a matter of semantics; rather one should consider that numerous experts in the field have crafted numerous definitions and perspectives that are all valid yet unique in many respects.

In this chapter, we will seek to develop definitions for the terms “minority” and “diversity.” The notion of multiculturalism will be explored from what we believe is a contemporary perspective; we will discuss both domestic issues internal to the United States and its multicultural fabric and international issues external to the United States that are the result of globalization. Indeed, it is important for students to understand that the diversity within the United States comes from both within and outside the borders of the nation. This is important because the pushes and pulls that are inherent to various competing groups come from within and without any country. Indeed, many of the strains and stresses experienced within the “melting pot” of the United States are also experienced in countries such as France, Germany, England, Australia, China, and Russia, to name a few. This is, we believe, an important observation that is not often showcased in other texts.

Many authors and criminal justice experts attempt to separate diversity studies within a country from the study of cross-border international issues. We believe that this separation results in an artificial distinction that is not truly pragmatic for the practitioner who is confronted with issues that are both local and global in nature, particularly in densely populated urban areas with complicated demographic features. This text will rectify this aspect of studying multiculturalism within the criminal justice process and will also examine numerous vantage points that are not always sufficiently addressed in other texts. For instance, the issue of hate crimes is often discussed, but many criminal justice texts that address diversity tend to overlook the fact that, in most cases, gang offenders (both on the streets and in prison systems) tend to group themselves along racial lines. While doing so, they tend to be pitted against one another along racial lines and, in the process, may hold members of other racial groups as the enemy of their own affiliation, regardless of whether that person is a member of a rival gang or not. These types of intricate distinctions in racially motivated crimes are often not brought to bear by many authors.

We believe that such additional microcosms within these areas of study are important to the day-to-day criminal justice practitioner, regardless of whether their involvement is in policing, courtroom sentencing, the operation of prisons, or work in the juvenile system, and regardless of whether the practitioner falls within the ranks of security or treatment-oriented professions. Simply put, there are a multiplicity of perspectives from which one can approach the notion of diversity and from which one can classify a minority, and although this text is focused on the criminal justice system’s interface with a multicultural society, this emphasis on crime and criminal justice actually makes the study of these issues more complicated while also providing with a sense

of focus—contradictory concepts that work hand in hand with one another at the same time. Perhaps a good example might be something akin to a combination of peanut butter and jelly sandwich: The flavors are both salty and sweet, but when combined they both contrast and complement each other at the same time. So, too, do many of the approaches that we will use to investigate what the terms “minority,” “diversity,” and “multiculturalism” mean.

In this chapter, we will highlight certain aspects of the criminal justice system and its operations. The intention is to demonstrate how multiculturalism impacts and, is impacted by, the criminal justice system. For instance, consider the use of community policing within a diverse neighborhood. Given that, in many cases, the rapport between police agencies and minority communities is not always optimal, it makes sense to use approaches that attempt to involve community members as a means of developing rapport. Likewise, it is perhaps useful to hire persons who are representative of the surrounding community, thereby further enhancing the sense of continuity between the agency and its service community. However, making such hiring practices a priority is sometimes thought to lead to reverse discrimination. Likewise, the integration of community citizens into citizen review panels, neighborhood watches, and police patrol ride-along programs requires that the agency be transparent to these citizens—even in cases where this may lead to discomfort to some agency personnel and/or misunderstanding among persons outside the agency.

In a different context, consider issues related to domestic violence victims. Diversity entails, among other things, awareness and understanding of gender issues just as much as it does of racial or ethnic issues. For instance, women who are victims of domestic violence may not feel comfortable talking with male police officers, or, when in treatment, they may be less likely to divulge details to male therapists. Further still, consider crimes of elder abuse; in such cases, knowledge of geriatrics and/or issues related to the elderly and indicators for victimization can be particularly useful. Thus, age, as well as gender and race, falls within the realm of diversity studies.

Other issues related to diversity may not often be considered by most people. For instance, persons with disabilities are considered a minority class. Numerous laws exist to provide protection for these individuals. Indeed, even prison inmates must be given a degree of consideration to ensure their safety and security while in custody. This is also true for elderly inmates. Living arrangements that do not exacerbate a disability and safely housing disabled and elderly inmates in areas where they will not be victimized are expectations that have been set by the U.S. Supreme Court.

Lastly, consider the impact of immigration and its relationship to globalization. During the past decade, increasing attention had been given to issues related to immigration in the United States. Immigration issues have impacted law enforcement quite substantially in the past decade and have recently resulted in controversial legislation in some states. Further, immigration, whether legal or illegal, has impacted the cultural landscape of the United States. This has had an impact on our court and correctional systems, in terms of both the offender population who are processed and the composition of the practitioner population who do the processing. In other words, as immigration into the United States continues to increase, the demographics of offenders and practitioners have reflected this influx of cultural and racial groups that has occurred.

Thus, it can be seen that there are a number of considerations, from a variety of perspectives, to explore when discussing multicultural issues in the criminal justice

system. In the examples provided, we can see that ethnic and racial considerations must be made when dealing with the offender population (e.g., racial motivations and racial allegiances of gang members, the need for culturally competent interventions) and with victims (e.g., the need for gender-specific interventions). Such issues related to diversity may involve communication between criminal justice agencies and the broader community, and diversity concerns may center on the need for agencies to be more reflective of the broader population that they serve. All of these (and more) are important aspects of any examination of multiculturalism within the criminal justice system and its processes of response.

We will now turn our discussion to the concept of minorities and diversity as well as the interplay of multiculturalism within the United States and the impact of globalization beyond the nation's borders. Throughout this text, we will address various aspects of diversity and multiculturalism that have existed throughout the history of the United States but, in particular and distinct from many other similarly grounded texts, we will also infuse discussions related to the more recent globalized social landscape in the United States, demonstrating the consistencies in the melting pot philosophy and the distinctions between modern-day influxes of persons into the United States and those in past generations.

## **DEFINING THE TERM "MINORITY"**

For the purpose of this text, we would like to take a moment to provide our own definition of the term "**minority**." Our use of the term *refers to any group of people who are substantially different from the broader society in political, economic, religious, or racial terms. It also includes persons who have diminished access to resources or ability to compete in a market economy.* While this may not be an all-inclusive use of the term, we believe that it captures the essence of the term for this text without being overly cumbersome. While this definition of "minority" is primarily for this text, we also wish to explore the term from some other perspectives, to ensure a thorough discussion of this subject.

First, in the strictest interpretations, a minority group might be defined most readily by its numerical relationship to the larger society of which it is a part. In other words, groups that consist of smaller number of people may be defined as minority; figures are based solely on the head count of that group compared to other groups. While, from a mathematical perspective, this may make sense, it is basically a one-dimensional interpretation. It does not indicate why sensitivity to the plight of minorities might be an issue of concern; just because a group is numerically small does not mean it warrants additional concern or assistance. Indeed, the greatly affluent are a minority group in the United States. However, few would agree that this group merits additional concern. Rather, this group typically has sufficient political and economic clout to ensure adequate representation.

Similarly, the term "minority" can be used to describe those who have minimal political and/or economic power. However, this approach can also be deceptive and one-dimensional. For instance, consider Asian Americans in the United States; they are often labeled the "model minority" due to their higher-than-average education and wealth as estimated in census reports. However, this fact cannot ignore some of the factors associated with this group that, upon closer examination, reveal a history of discrimination upon their immigration to the United States, racial hatred against them, and distrust of many other racial and ethnic groups throughout the nation. Thus, there

is perhaps more to consider than just political and economic indicators, though these are, of course, part of what may be used to identify a minority group.

Likewise, the term “**minority status**” may be used to identify those who have been or are susceptible to unfair treatment by the dominant culture. Since some groups (i.e., African American and Native American people, or women as a whole, for that matter) that constitute a numerical majority in certain areas of the United States also enjoy minority status, this alone cannot be the sole means of identifying a minority group. While there are some groups that may have received unfair treatment by the majority culture, this may not, in and of itself, be the key factor that makes them a minority. For example, consider the Jewish population in America. Though their history is one that has been riddled with historical trauma, they have largely been free of most violent forms of mistreatment in the United States. Further, many people equate the Jewish community with affluence, yet they are still very much a minority due to their unique history and their religious precepts. Because of the persecution that they have endured, they are still a minority in most countries where they reside, largely due to social and historical circumstances.

Thus, the term “minority” encompasses a number of aspects that work together to establish such a status. The fact is that, over time, the United States will ultimately consist of a splintered group of minorities across the nation. In other words, the United States will continue to become more and more diverse over time. In fact, it may well be that the dominant culture will cease to exist within another 50 years or so. This trend has been noted by demographers and can also be readily observed from the social changes occurring throughout the nation. Just a few years ago, most people would not have thought that an African American president would have been a reality in the United States. However, this reality stands as a stark testament to the changing nature of the social and cultural landscape of the United States.

## **DEFINING CULTURAL DIVERSITY**

The term “diversity” is itself subject to diverse forms of meaning. Indeed, many people think of diversity in terms of physical characteristics, but this is a simplified understanding of diversity. We use the term “**cultural diversity**” to refer to a concept whereby the history, beliefs, behavior, language, traditions, and values of racial and/or ethnic groups are what make them distinct. Thus, cultural diversity includes a variety of features specific to a given group of people. The sum total of these differences is what specifically identifies individuals who belong to a specific group.

Diversity characteristics also include religious beliefs and political viewpoints. In some cases, these can be mixed, such as in Muslim nations where governments are theocratic (run by religious authority). Immigrants to the United States who come from Middle Eastern countries may have a difficult time understanding concepts such as the separation of church and state; in their countries of origin, this concept may not exist. These differences in viewpoints and in defining what is “normal” according to a specific group are where challenges and friction emerge.

However, it is important that students and practitioners understand that cultural diversity is something that is here to stay and will only become more pronounced in the future. Indeed, even the United Nations has acknowledged that cultural diversity is a prime concern, even though it would seem that a worldwide culture of homogeneous standards on human rights has evolved. A report drafted by UNESCO, entitled

“Investing in Cultural Diversity and Intercultural Dialogue,” speaks to this very issue. The key premise of this report is that even though the world community is developing a sense of common knowledge due to improvements in technology, transportation, and educational exchange, the identities of various groups is still an important feature in developing effective human relations around the world. In fact, the report advocates the preservation of the unique aspects of different cultures. If the United Nations has had to come to terms with the issue of diversity and its impact on all spheres of government operation, then it is only natural that the United States will have to do the same.

Lastly, it should be clear from our discussion of diversity that we are referring to ethnic and cultural differences, not necessarily racial differences, among people. (For a list of racial definitions, students should refer to Table 1-1 for examples provided from the federal government.) Racial diversity is another important concept when considering a multicultural society such as the United States. However, it is not identical to cultural diversity. **Racial diversity** is a term that describes the existence of numerous racial groups within a given society. Naturally, the United States has a racially diverse composition. In addition, numerous atrocities, based on racial categories, have occurred in the United States. Perhaps the most memorable would be the history of slavery, during which the United States maintained a slave population of African descent.

**TABLE 1-1** Definitions of Race According to the U.S. Bureau of the Census.

**Categories of Race Established by the U.S. Bureau of the Census**

**White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. It includes people who indicate their race as “White” or report entries such as Irish, German, Italian, Lebanese, Arab, Moroccan, or Caucasian.

**Black or African American.** A person having origins in any of the Black racial groups of Africa. It includes people who indicate their race as “Black, African Am., or Negro” or report entries such as African American, Kenyan, Nigerian, or Haitian.

**American Indian and Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment. This category includes people who indicate their race as “American Indian or Alaska Native” or report entries such as Navajo, Blackfeet, Inupiat, Yup’ik, or Central American Indian groups or South American Indian groups.

**Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. It includes people who indicate their race as “Asian Indian,” “Chinese,” “Filipino,” “Korean,” “Japanese,” “Vietnamese,” and “Other Asian” or provide other detailed Asian responses. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. It includes people who indicate their race as “Native Hawaiian,” “Guamanian or Chamorro,” “Samoan,” and “Other Pacific Islander” or provide other detailed Pacific Islander responses.

**Some other race.** Includes all other responses not included in the “White,” “Black or African American,” “American Indian or Alaska Native,” “Asian,” and “Native Hawaiian or Other Pacific Islander” race categories described above. Respondents reporting entries such as multiracial, mixed, interracial, or a Hispanic, Latino, or Spanish group (for example, Mexican, Puerto Rican, Cuban, or Spanish) in response to the race question are included in this category.

**Two or more races.** People may have chosen to provide two or more races either by checking two or more race response check boxes, by providing multiple responses, or by some combination of check boxes and other responses.

Source: U.S. Bureau of the Census. (2010). *Race definitions*. Washington, DC: U.S. Bureau of the Census.

## MULTICULTURALISM AND GLOBALIZATION

It has been well established that the demographic composition of the United States will be considerably different in the future. In short, the United States is becoming more diverse than ever, and the Caucasian American group will become the minority by the year 2050, at the latest. This raises a number of interesting possibilities for the country as a whole and its criminal justice system in particular. The United States has often been referred to as *the melting pot* because since its early history, it has been open to immigrants and cultural groups from many different countries. However, we contend that current trends in diversity and immigration are distinct from much of the past history of the United States. In particular, the influx of cultural groups is much more disparate, consisting of groups from a variety of world regions, rather than being dominated by one or two primary groups of immigrants. One key factor that has led to this distinction is globalization. **Globalization** is the process by which societies, cultures, and economies around the world have become integrated due to advances in communication and transportation technology, as well as the passage of laws and treaties that facilitate this integration. This results in a transnational sharing of ideas, cultures, and mores that become interlaced. The impact of globalization has, in turn, led to an increased interest in multiculturalism. **Multiculturalism** *refers to the policy-setting agenda to adopt equitable forms of consideration for distinct ethnic, religious, and racial groups without promoting any particular group as being dominant or central in identification.* This term can also include official belief systems and lifestyle choices, with none being held as preferable or superior to others.

The state of change within the cultural fabric of the United States continues in a fast pace. Cultural norms are, to some degree, in a state of flux, with resulting friction between groups who find themselves losing status and privilege within this new fabric and other groups who find that they have more social clout and capital than they did in the past. This has led to a morphing of the United States where traditional aspects of American culture are challenged more than ever. For instance, issues related to religion have been questioned, in terms of both continued courthouse practices integrating Judeo-Christian overtones (see *McCreary County v. ACLU of Kentucky*) as well as the validation and acceptance of the Muslim religion in the United States, despite the events that transpired with the World Trade Center tragedy on September 11, 2001. Issues related to race have broadened, even in the criminal justice literature. Consider as an example the racial profiling concerns shifted in the early 2000s from being centered on possible African and Latino American suspects to those of Middle Eastern origin.

Given the current state of affairs, the modern criminal justice practitioner is only likely to face further cultural complexities. Whether good, bad, or indifferent, it is not at all likely that these issues will become easier to address; rather, they will certainly become more complicated in the future. This creates unique and ever-changing demands on criminal justice practitioners, whether they are employed within the law enforcement, judicial, or correctional arena. The criminal justice system does not operate in a social vacuum; rather, it is directly impacted by this sense of rapid and continual cultural change. It is because of this that law enforcement, court personnel, and correctional personnel will find themselves continually challenged beyond the scope of their standard recruit training and it is because of this that continued attention will need to be provided to this area within the criminal justice system.

## **Immigration and the Influx of Differing Cultures**

Immigration issues have come to the forefront of public debate and immigration itself is a very important topic for modern-day criminal justice practitioners. When we talk of **immigration**, we are referring to those persons who choose to live in the United States and willingly move within the borders of the United States even though their area of origin is outside of the United States. This includes both legal and illegal movement into the United States. The **Department of Homeland Security** is a federal agency that tracks the movement of persons who enter and exit the borders of the United States. The Department of Homeland Security reports that there were one million immigrants (permanent residents with green cards) in the United States during fiscal year 2005 and 1.3 million immigrants during fiscal year 2006. However, even these numbers are not accurate as Gelatt and Coffey (2007) point out, indicating that most likely there are 1.8 million immigrants in the United States during any given fiscal year. This is largely attributed to the nature of certain types of temporary immigration as well as out-of-date immigration papers. When restricting the discussion to those immigrants who have been legally accounted for, the Department of Homeland Security statistics count immigrants as those who obtain lawful resident status in the United States (Gelatt & Coffey, 2007).

It is estimated that of these immigrants, roughly 60 percent are not new or temporary immigrants but are instead in the process of obtaining some type of permanent status (Gelatt & Coffey, 2007). These immigrants, seeking adjustment of their immigration status, are drawn from temporary workers, students who came to the United States for study, refugees and/or asylum seekers, or persons seeking nonimmigrant visas. It is estimated that this accounts for approximately 632,000 immigrants seeking status adjustment each year. This is important because these immigrants, for all practical purposes, become permanent members of the community. However, the immigration data just discussed does not include the large numbers of illegal aliens within the nation.

When considering these individuals, the numbers amount to millions of persons within the U.S. border. In fact, it has been estimated from 2000 Census Bureau data that the probable number of residual foreign-born persons was likely to be around 8.7 million (Costanzo, Davis, Irazi, Goodkind, & Ramirez, 2001). These estimates also conclude that of the 8.7 million, 5.4 million were Latino and 3.9 million (44.5 percent) Mexican (Costanzo et al., 2001). This then means that Mexican immigrants, whether legal or illegal, account for the largest influx of persons in the United States. The next largest group of immigrants consists of a variety of Asian nationalities, with percentages being quite varied among several nationalities. Because Latino and Asian groups constitute the majority of immigrants into the United States, discussions related to immigration will stay focused on these populations. Lastly, it is important to note that the influx of immigrants into the United States is unprecedented in relation to the proportion that accounts for the overall national population.

### **Immigration Issues (Mexico)**

Immigration tensions have mounted between the United States and Mexico. In states such as California, Arizona, New Mexico, and Texas, there has been a substantial backlash from citizens of the United States toward persons migrating to the United States, whether legally or illegally. To a large extent, this is simply the result of the growing pains of a nation that continues to maintain its multicultural origins. However, the difference

in this case is because of a mass exodus of immigrants from nearby, rather than overseas, and these same immigrants send much of their hard-earned money and income to their family directly across the U.S. border.

The result, according to some, is a displacement of available jobs in certain areas of the United States as well as an economic vacuum that develops as money is channeled into another country's economy. On the other hand, the jobs that many Mexican American immigrants are taking are those that other persons in the United States will not fill, for whatever reason. Further, the drain on the U.S. economy may, in actuality, not be that great but instead may be producing a blurring of economies between the United States and Mexico. Some evidence of this could be seen when the **North American Free Trade Alliance (NAFTA)** came into vogue during the early to mid-1990s. This agreement made much more lenient immigration for Mexican citizens wishing to work in the United States. While there were advantages and disadvantages associated with this agreement, it is noteworthy that this treaty, when taken together with the third national partner, Canada, constituted the largest trade bloc in the world in terms of combined GDP purchasing power parity.

The sheer economic impact of NAFTA on the landscape of the United States has actually been unparalleled. In examining the impact of NAFTA, consider that the trading relationship between the United States and Canada is the largest in the world in terms of bilateral exchange of money, goods, and services (Davy & Meyers, 2006). Indeed, the two-way trade in commodities between these countries equaled over \$428 billion in 2004, and since the 1994 implementation of NAFTA, trade has nearly doubled (Davy & Meyers, 2006). Further, Mexico is the United States' second largest trading partner following Canada, with trade between Mexico and the United States reaching \$268 billion in 2004 (Davy & Meyers, 2006). These figures demonstrate the enormous economic interconnections that exist between the United States and its immediate neighbors. It is then no wonder that immigration has become so widespread. This is especially true when an affluent country such as the United States borders a less affluent one such as Mexico.

The pull and incentives for Mexican citizens to enter the United States is (understandably) very strong. In fact, immigration (both legal and illegal) of Mexican citizens, as well as other Central American and South American citizens, has had such an impact throughout the United States that it is now common for signage along roads and throughout cities to be written in both Spanish and English. This is unique in many respects because the United States, while being classified as the world's "melting pot," has had the advantage of maintaining one official language: English. But this is no longer the case, and it is becoming increasingly necessary that traditional outlooks on language be challenged; many citizens find themselves now no longer at home knowing only English. For Europe and other countries around the world, the need to know more than one language has not been so problematic. For the United States, this issue has vexed many citizens and continues to build resistance among groups of people in southwestern states.

During the year 2000, Mexico pushed for the free flow of people across the U.S.–Mexican border as a second phase of the NAFTA agreement. However, the events that followed the World Trade Center tragedy on September 11, 2001, raised border security concerns throughout the nation. Naturally, this impacted immigration policies and eventually resulted in national debate among citizens and the U.S. Congress in 2006. The emergence of the **Secure Fence Act of 2006**, which implemented 700 miles