

# Race, Ethnicity, Crime, and Justice



# Race, Ethnicity, Crime, and Justice

SECOND EDITION

Edited by  
**Matthew B. Robinson**



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# Author Biographies

**Beverly Reece-Churchwell** is currently Assistant Professor of Criminal Justice at Kennesaw State University. Her areas of expertise are life course criminology, desistance from crime, barriers to reentry, corrections, and juvenile justice.

**Rhys Hester's** research interests includes criminal law, punishment, and judicial decision making. He holds a JD and a PhD in Criminology and Criminal Justice, both from the University of South Carolina. Dr. Hester is the former Deputy Director of the Pennsylvania Commission on Sentencing and was previously a Research Fellow at the University of Minnesota Law School. He is currently in the Department of Sociology, Anthropology & Criminal Justice at Clemson University. His work has appeared in *Criminology*, *Journal of Quantitative Criminology*, and *Crime and Justice: A Review of Research*. Dr. Hester is currently an independent consultant for the National Institute of Justice to review and revalidate the Department of Justice's risk and needs assessment tool under the First Step Act.

**Jeff Holcomb** is a Professor in the Criminal Justice program at Appalachian State University. He received his Ph.D. and Master's degrees from Florida State University and his undergraduate degree from Auburn University. He has taught at Florida State University, Bowling Green State University, and Appalachian State on a range of topics including the community supervision of offenders and the administration of justice. He has published research in leading academic journals on a range of topics including capital punishment, community supervision, and asset forfeiture.

**Dr. Cathy Marcum** is the assistant chair and professor of justice studies in the Department of Government and Justice Studies at Appalachian State Univer-

sity. She has an extensive book and peer-reviewed journal publication history in the fields of cybercrime offending and victimization, correctional issues and sexual victimization. In addition, she has taught multiple courses at the undergraduate and graduate levels on these topics. Dr. Marcum served as the Editor for *Corrections: Policy, Practice and Research* from 2018-2020, and has received multiple awards including the Southern Criminal Justice Association Outstanding Educator of the Year Award and the Academy of Criminal Justice Sciences Corrections Section Member of the Year. She is actively involved in the Academy of Criminal Justice Sciences, American Society of Criminology's Division of Cybercrime, and Southern Criminal Justice Association.

**Michael B. Mitchell, M.A.**, is currently a Visiting Assistant Professor of African American Studies and Criminology at The College of New Jersey (TCNJ). He regularly teaches social justice, race, crime, and justice, and other courses that examine the intersections of race, racism, classism, and whiteness, among others, through a critical lens. In addition, Professor Mitchell has published peer-reviewed scholarship on parenting in prison and the reentry experiences of Black mothers. He is an intersectional, qualitative researcher who foregrounds the lived experiences of marginalized populations. Professor Mitchell is currently completing a Ph.D. in Administration of Justice from Texas Southern University and begins a tenure-track appointment at TCNJ in Fall 2021.

**Bethany Poff** is originally from the Blue Ridge Mountains of southwestern Virginia, and is a graduate student at Appalachian State University. She will graduate with her Master's degree in Public Administration with a concentration in Administration of Justice.

**Matthew Robinson** is Professor of Government and Justice Studies at Appalachian State University. He specializes in criminological theory, crime prevention, capital punishment, US drug policy, justice theory/social justice, and issues of race & ethnicity as they relate to criminal justice practice. Robinson is the author of more than 100 articles and chapters, as well as more than 20 books. He is Past President of both the North Carolina Criminal Justice Association and Southern Criminal Justice Association and was recently ranked the 19th most influential criminologist alive by Academic Influence.

**Dr. Jason Williams** is an Associate Professor of Justice Studies at Montclair State University. He's a passionate activist criminologist deeply concerned about racial and gender disparity and mistreatment within the criminal legal system. He's published various articles on returning citizens, policing and race, gender and social control, and the broader implications around racialized social

control. He is a qualitative criminologist who engages in community-grounded approaches to research. Dr. Williams is sought by media figures around the world for his comments on various justice issues.

**Marian R. Williams** is currently a Professor of Criminal Justice in the Department of Government and Justice Studies at Appalachian State University. She received her Ph.D. from Florida State University. She has published a number of articles on the right to counsel, the bail system, the death penalty, and civil asset forfeiture.

**Barbara H. Zaitzow**, professor of criminal justice at Appalachian State University, conducts a variety of research projects in men's and women's prisons and has been involved in local, state and (inter)national advocacy work for the incarcerated, their families, corrections practitioners, and community groups and organizations seeking prison reform and alternatives to imprisonment. Zaitzow has served on various editorial boards for nationally-recognized journals and has published a co-edited book, articles, book chapters and reviews on a variety of prison-related topics including HIV/AIDS and other treatment needs of women and men prisoners and the impact of prison culture on the "doing time" experiences of the imprisoned which appear in *International Journal of Offender Therapy and Comparative Criminology*, *Journal of Prisoners on Prisons*, *Journal of Racial and Ethnic Health Disparities*, *Justice Policy Journal*, *Laws*, *The Prison Journal*, and *Women's Studies Quarterly*. Zaitzow continues to serve as an advocate of justice for humans and animals.



# Preface

In spite of living in a supposedly “color-blind” society — where a Black man rose to the highest position in the world (president of the United States) and held it for two consecutive terms — race and ethnicity (or skin color) continue to impact real-world practices. Even as nearly every situation has improved for people of color since the founding of the United States, America continues to have a serious race problem. Here is only one example: Black men are routinely shot and killed by police, even when unarmed.

A recent study found that about one in 1,000 Black men and boys will die from police encounters over the course of their lives (Khan, 2019). This makes police encounters the seventh leading cause of death behind assaults, accidents, suicides, heart disease, HIV, and cancer. The study found that Black men and boys are 2.5 times more likely than White men and boys to die this way. Further, rates of police violence against other groups are also higher than against Whites, groups including Latino men and boys, Black women and girls, and all classifications of Native Americans (Khan, 2019).

Here is another example: the issue of immigration, and particularly illegal immigration, has dominated news headlines ever since Donald Trump became a candidate for president of the United States. Not surprisingly, a record-high 23% of Americans listed immigration as the most important problem facing the nation in 2019 (Jones, 2019). Thus, even though 76% of Americans say immigration is a good thing for the country, it remains true that a large portion of Americans are concerned or even afraid of the “brown” people being focused on by President Trump as part of his “build the wall” rhetoric.

So, issues of race and ethnicity continue to impact American life, including criminal justice practice. Race is a descriptive term used to refer to a group of people that share, or are perceived to share, common hereditary traits such as

skin color, hair texture, or eye shape. In the US, we use terms like “Black” and “White” or “African American” and “Caucasian” when referring to different racial groups. Ethnicity is more broadly defined as having shared cultural traits like language, food, religion, customs, and traditions. In the US, data on ethnicities are gathered in a more limited way—for example, in the US Census we are asked to identify as “Hispanic or Latino” or “Not Hispanic or Latino.”

For about as long as the disciplines of criminology and criminal justice have existed, scholars have studied relationships between race and ethnicity and crime and justice processing. Key questions include, Who is most processed by agencies of criminal and juvenile justice, and why? Data from the US Census Bureau (2016) and the Sentencing Project (2016) show that, in 2016, for example, African Americans and Latinos collectively made up about 30% of the US population (13% African American, 17% Latino), yet 59% of all people incarcerated in the United States (38% African American, 21% Latino). Why is this so? Is it because African Americans and Latinos commit more crime? Is it because there is discrimination in policing and courts? Could both be true? This book will provide answers.

An enormous amount of evidence also points to huge disparities by race and ethnicity in juvenile justice practices, as well. For example, a report by the Sentencing Project (2008) shows that, while African Americans only comprise about 17% of juveniles in the US, they account for more than 45% of arrests of juveniles, almost one-third of referrals to juvenile courts, and more than 40% of waivers to adult court. And a report by the National Council on Crime and Delinquency found that residential placement is about four times higher for African Americans, three times higher for Native Americans, and two times higher for Latinos than for Whites, while racial and ethnic disparities in rates of imprisonment are even greater (Hartney & Vuong, 2009). This book will provide updated data and the latest studies, most of which continue to identify significant disparities in criminal justice practice in the United States.

The problem has been around so long that it even has a term: disproportionate minority contact, a term that refers to the fact that people of color are more likely than Whites to come into contact with agencies of juvenile and criminal justice (Office of Juvenile Justice and Delinquency Prevention, 2012). In fact, reviews by the Office of Juvenile Justice and Delinquency Prevention show evidence that the problem has existed at least since 1989 (Hsia et al., 2004; Pope et al., 2012).

Importantly, studies show that different levels of offending do not explain disproportionate minority confinement (Huizinga et al., 2007). The significance of these data are explained by the Leadership Conference on Civil and Human

Rights (2014), one of the most important civil rights organization in the US: “Racially skewed juvenile justice outcomes have dire implications, because the whole point of the juvenile justice system is to head off adult criminality.”

*Race, Ethnicity, Crime, and Justice* allows us to provide answers to questions related to why disparities exist in criminal and juvenile justice practices, using empirical data and published studies to inform our conclusions. The goal of the book is provide a thorough, yet brief, summary of what is known about relationships between race, ethnicity, crime, and the practice of justice.

The authors of the book provide exhaustive coverage of race and ethnicity as they pertain to delinquency and crime and summarize the most recent studies on race and ethnicity and juvenile and criminal justice practices. This includes how race and ethnicity impact the law, policing, courts, and corrections (including a separate chapter on capital punishment). In the book, the reader learns that there are indeed serious problems in the United States of not only individual discrimination but also institutionalized discrimination; that is, biases against different racial and ethnic groups have become part of American institutions (including criminal law and the mainstream media). The final chapter not only summarizes the entire book, but also offers needed reforms to bring the realities of justice practice more in line with American ideals.

The second edition is organized in the same way as the first edition. However, new authors appear in this edition, and each chapter has been thoroughly updated with reviews of the latest studies and data.

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