

Race, Gender, Class, and Criminal Justice

Race, Gender, Class, and Criminal Justice

Examining Barriers to Justice

SECOND EDITION

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This book is dedicated to my partner in crime Charles Scott, and our two young sons — Paul and Cormac. The world is a better place because of the three of you, and I am thankful for it.

—Danielle

This book is dedicated to my kids — Cameron and Campbell. You are the reason I fight for justice. I am a mom first and above all things. Writing this was a labor of love that happened during a global pandemic and in the midst of racial justice protests in our city (#sayhername). I must make this a better world for you. This fight takes me away from you a lot and I am grateful that you both get it. I love you for loving me unconditionally and understanding the fight. My pen is a protest.

—Cherie

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Introduction

The second edition of this textbook embraces an intentional focus to include more diverse perspectives on the topics covered in the book. This includes the addition of a co-author as well as more references to the writings and research of those from diverse and often underrepresented backgrounds. A more in-depth examination of race and ethnicity also is included with a chapter now dedicated to each topic, their historical connotations, and how these terms are used today. A new chapter also has been added that examines juveniles and explores how childhood is constructed along with how intersectionality impacts the experiences of youth in the juvenile justice system. You also will notice that when referencing race, Black is capitalized and white is not. The authors chose to use a lower case “w” for all references to white with the exception of proper nouns such as White House or when used in direct quotes. This decision was made because the authors felt it was important to amplify the voices of the racially marginalized, especially in this second edition that attempts to better uplift the contributions of Black criminologists and scholars of color.

The purpose of this book is to examine race, ethnicity, class, and gender in the United States and how those who become involved or interact with the criminal justice system will experience the system differently based on these variables. However, it is important when reading this book to keep in mind that these variables are not necessarily independent of one another and many will experience the negative impact and/or privilege of multiple variables at one time. For example, a Hispanic middle-class woman will experience the criminal justice system differently than a Hispanic working-class woman or a white middle-class man.

Each chapter within this book also includes “In Focus” text boxes to further examine an issue that is relevant to the topic being discussed as well as a “Global Spotlight” text box that discusses the topic from a global perspective as well. Each chapter also

includes bolded key terms to help the reader easily identify important terms, legislative acts, and court cases, along with a glossary. Each chapter ends with a series of discussion questions to encourage further engagement and reflection with the topic.

The book is divided into six different sections and covers policing, courts, and corrections. The first segment of the book lays the foundation for the historical and current use of the terms race, ethnicity, gender, sex, socioeconomic status, and crime. Chapters 1–5 provide an overview of the history of these terms and how they have changed and evolved over time based on what is occurring within our society politically, socially, and economically. This foundation provides the reader with a better understanding of the past use of these terms, so one can critically examine the impact of these variables on the criminal justice system today.

The second section of this book examines the role of law enforcement within our communities as well as how communities experience and interact with law enforcement differently based on race, ethnicity, religion, and class. Chapter 6 examines racial profiling and how it occurs within African American communities tied to the issue of illegal drugs, within Hispanic communities due to immigration, and within Muslim communities due to the fear of terrorism. Chapter 7 examines the militarization of local law enforcement and the financial support of the federal government that put this in place, as well as the consequences of creating an “us versus them” attitude between the police and the community. The chapter also explores historical and contemporary perspectives of protest policing in light of the 2020 social unrest following the deaths of Breonna Taylor and George Floyd and the possibility of programs, such as community-oriented policing.

The third section of the book examines the impact of the courts and sentencing on those involved in the criminal justice system and how one’s experience is different based on one’s race, ethnicity, gender, and/or class. Chapter 8 examines the changing role of judges and prosecutors, how discretion determines who is the most powerful actor within the courtroom, and the consequences of this for offenders based on race, ethnicity, gender, and class. The chapter ends with a discussion regarding indigent defense counsel and the impact of not being able to afford a private attorney for many clients. Chapter 9 examines the history and evolution of the death penalty in the United States as well as how the death sentence is applied based on race, class, and gender.

The fourth section of the book focuses on race, ethnicity, gender, and class issues within corrections. Chapter 10 examines the overuse of incarceration in the United States, the War on Drugs, and drug policy along with possible alternatives to incarceration that could be used such as problem-solving courts and innovative community supervision programs. Chapter 11 discusses the topic of reentry and the many obstacles returning citizens face as they work towards becoming productive members of their community, as well as programs that are attempting to help returning citizens overcome these barriers.

The fifth portion of this book addresses additional issues in the criminal justice system that are impacted by race, ethnicity, gender, and class and deserve special attention, but do not fit into the other sections of this book. For example, Chapter 12 focuses on the impact of race, ethnicity, gender, and class on juveniles as they navigate the juvenile justice system, while chapter 13 examines the problem of domestic violence, as well as the resources that are available and the dire need for more resources to address this problem. Chapter 14 addresses the problem of human trafficking and how this crime occurs within the United States but can be incredibly difficult to investigate and prosecute criminally.

The final and sixth section of the book concludes with Chapter 15, which offers an examination of where we are currently with racism and sexism, both of which overlap with the issue of class, from a criminal justice perspective. This chapter also notes that many improvements have occurred in improving racist and sexist policies and attitudes within the United States, while also acknowledging that we as Americans still have a long way to go to overcome our racist and sexist past.

