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Diversity in Criminal Justice Education

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Diversity in Criminal Justice Education

In October 1993, Sheriff Charles Laux sat down with transgender man Brandon Teena to question him about the gang rape he had endured. Though Teena should have been met with compassion and understanding from a system that was meant to protect him and a desire for justice from the sheriff questioning him, he was instead asked a series of dehumanizing, degrading questions regarding his gender. After the interview, Teena's rapists were allowed to remain free, and just a few days after reporting his rape to authorities, Teena was killed by his rapists (Lohr, 2013). In 2015, police arrived at the home of gay man Louis Falcone to investigate a noise complaint. The investigation resulted in Falcone being dragged out of his home and beaten by police (Center for American Progress & Movement Advancement Project, 2016). In 2020, Tony McDade, a black transgender man, allegedly stabbed a man who had attacked him. McDade was later shot and killed by police who claimed that they had felt threatened by him. Some witnesses discredited this testimony and claimed that McDade received no warnings before officers shot him. Others alleged that McDade was called racial slurs by officers and was shot after he stopped struggling (Burns, 2020).

These incidents are not the only ones of their kind. Marginalized communities have long and complicated histories with the criminal justice system that have led to particularly sour relationships. As a result, many members of marginalized communities resent a system they believe is corrupt. This lack of trust for the criminal justice system results in many unintended consequences that dampen the effectiveness of the system as a whole. The LGBT community's history and current relationship with the criminal justice system exemplifies this apprehensiveness well and will be presented in this research to create a possible solution to improve the criminal justice system's relationship with marginalized communities.

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History of LGBT Issues

In recent years the movement dubbed the “Gay Rights Movement” has seen milestones unfathomable one hundred or even fifty years ago. Today LGBT people are generally capable of living safer lives than at any other point in the United States’ history. While there is still much progress to be made, acceptance for members of the LGBT community has reached an all-time high, with states all over the country imposing anti-discrimination legislations in an effort to combat prejudice based on sexual orientation or gender identity. For example, in 2015, gay marriage was legalized country-wide in the United States. In 2020, the Supreme Court ruled 6-3 that LGBT citizens are protected from workplace discrimination, as per the 1964 Civil Rights Act (Nagourney & Peters, 2020). These feats have not come easily or peacefully, however, and it is because of these milestones in history that the LGBT community overall has conflicts with the criminal justice system today.

According to Robinson (2015), many historians credit the beginning of the Gay Rights Movement to *The Homosexual in America: A Subjective Approach*. Written by a gay man under the pen name Donald Webster Cory (1951), the novel begins by discussing homosexuality as a minority plight often ignored and discredited by society. Throughout the novel, Cory details the struggles faced by those within the gay community and emphasizes the need for change and unity among community members. He states “Alone, you cannot change the world, but the combined efforts of many will surely effect a beneficial change,” (Cory, 1951, p. 265) emphasizing the need for both those within and outside of the LGBT community to work together to see the changes so desperately needed.

Robinson (2015) details the effect the novel had on society and the gay community, stating that “homosexuals in America began to organize and fight against discrimination” (p. 10)

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after the book was published. “The Homophile Movement” (2017) describes the emergence of formal organizations in the 1950’s, such as the Mattachine Society or Daughters of Bilitis, that worked to educate society about homosexuals and their plight. At the time of the births of these organizations, homosexual acts were outlawed, and bars that employed or served homosexuals could be closed down. Law enforcement routinely enforced these unjust laws, sparking the beginning of a hostile relationship between the LGBT community and the criminal justice system (Pruitt, 2020). In 1969, members of the LGBT community would riot after police raided the Stonewall Inn, a known gay bar. The riots continued for five days, and it would go down in history as one of the most influential moments of the Gay Rights Movements (Gold & Norman, 2019).

Victimization in the LGBT Community

Today both homosexuality and gay marriage are legal across all states in the US. On the surface it appears as though tensions have begun to ease between the criminal justice system and the LGBT community, but many LGBT people are still apprehensive and disdainful of our current criminal justice system. A study conducted in 2013 shows that LGBT people are much less likely to report positive perceptions of procedural justice, treatment quality, trust and legitimacy, and respect from police (Miles-Johnson, 2013). Keith and Gagliano (2018) also detail that over half of respondents to a 2015 transgender survey reported discomfort in calling the police for assistance. This level of distrust has devastating consequences for both groups. For the LGBT community the consequences range from LGBT people being unable to rely on police to protect them as well as being incapable of trusting police enough to report crimes. For the criminal justice system, it means that many crime statistics are inaccurate in addition to preventing authorities from apprehending criminals that may go on to victimize people again.

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Keith and Gagliano (2018) detail that the FBI's Uniform Crime Reporting Program showed that 20% of hate crimes were based on sexual orientation. However, these numbers are likely much higher than what was reported due to the vast underreporting of LGBT victimization.

Additionally, police often misreport victims of hate crimes as heterosexual, leading to inaccurate statistics regarding hate crimes.

Furthermore, interactions between police and members of the LGBT community are often tense and uncomfortable for victims, such as the case of Brandon Teena. Many LGBT people fear negative police reactions and report discomfort in turning to police for help as a result (Keith & Gagliano, 2018). Less than half of survey respondents of the 2015 U.S. Transgender Survey stated that they would be comfortable seeking out help from the police, and over half reported having been mistreated physically, verbally, or sexually by police. Additionally, the New Orleans Police Department has a history of confirming the sex of transgender suspects through pat downs; the department did agree in 2012 to adopt new policies that would promote tolerance of LGBT people (Keith & Gagliano, 2018). Caspani (2015) described a survey given to gay and bisexual male survivors of domestic abuse in which 40% stated that they distrust the police's ability to help them and 59% believed that heterosexual women in a similar situation would be more likely to receive police assistance. Caspani also described the story of a transgender woman who used the women's bathroom at a homeless shelter and was arrested by police who then "forced her to remove her shirt and bra and jump up and down while they ridiculed her" (Caspani, 2015, para. 11). A survey in New Orleans revealed that 59% of transgender respondents and 12% of LGBTQ respondents had been asked for sexual favors by police. A study conducted in New York City found similar results, with 12% of surveyed LGBT youth stating that police had partaken in negative sexual experiences with them.

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Forty-eight percent reported a general negative experience with police (Center for American Progress, Movement Advancement Project, 2016).

This information is especially concerning when taking into consideration the high rates of victimization among the LGBT population. Preidt (2018) explains that 46% of males in same sex relationships reported having experienced physical, sexual, or emotional abuse by partners. Rose (n.d.) describes a range of 17-45% of lesbians having experienced intimate partner violence. However, despite these statistics, many states specifically exclude same sex couples from receiving protective orders or simply do not apply laws to same sex couples. According to “Sexual Assault and the LGBTQ Community,” (n.d., para. 5), “44 percent of lesbians and 61 percent of bisexual women experience rape, physical violence, or stalking by an intimate partner, compared to 35 percent of straight women.” Similarly, a high percentage of gay and bisexual men have experienced rape, physical violence, or stalking, with only 29% of straight men having fallen victim to these crimes as compared to 26% of gay men and 37% of bisexual men. Transgender people, in particular, have extremely high rates of sexual abuse as well, with 47% having been sexually assaulted at some point in their lives.

LGBT people tend to have higher rates of victimization during their childhood as well. “Sexual Assault and the LGBT Community” (n.d.) states that nearly half of bisexual women who have experienced rape were first raped as a child between the ages of eleven and seventeen. Glymour et al. (2012) reported that lesbians and gay men were physically and sexually abused as children at a rate of 1.6 to 4 times greater than heterosexuals. Katz-Wise et al. (2016) explained that lesbian, gay, bisexual, and especially transgender youth are at an elevated risk for abuse at the hands of parents. They additionally have more distant relationships with their parents and higher rates of homelessness. Gender nonconforming children, especially, are more prone to

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becoming victims of all types of abuse by caregivers, likely as a result of negative reactions by parents to gender nonconformity. “The Cost of Coming Out” (n.d.) provides statistics of youth homelessness; although only 7% of the total youth population are homeless, 40% of the 1.6 million homeless youth identify as LGBT, in addition to an increased likelihood for LGBT youth to become homeless at a younger age than other youth. These statistics are further broken down, with 1 in 4 LGBT teenagers being kicked out of their homes after coming out to their parents.

Finally, LGBT people are frequent victims of hate crimes. A more recent example of an LGBT-based hate crime can be seen in the Orlando shooting that occurred June 15, 2016. Forty-nine people were killed, and many more were injured, causing this incident to go down in history as the deadliest mass shooting in the United States to date (“Orlando nightclub shooting,” 2016). In 2018, the FBI reported that nearly nineteen percent of total hate crimes were against LGBT people. Of these hate crimes, “the majority targeted gay men (roughly 60 percent) . . . 12 percent targeted lesbians, 1.5 percent targeted bisexuals . . . and the remaining incidents targeted a mixed group of LGBTQ people” (Fitzsimons, 2019, para. 2). As previously mentioned, the LGBT community’s distrust of police leads to lessened crime reporting, so these numbers would likely be higher if not for the poor relationship between law enforcement and the LGBT community (Keith & Gagliano, 2015).

The Corrections System and the LGBT Community

Statistics indicate that LGBT people are incarcerated at higher rates than cisgender, heterosexual people. Nearly 2% — three times that of the overall incarceration rate — of lesbian, gay, and bisexual people are incarcerated. Out of these statistics, a staggering 40% or more incarcerated women are bisexual or lesbian (Langness & Velasco, 2020, para. 9). Incarceration rates for transgender people appear to be high as well, with 2% having spent time behind bars.

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Incarcerated youth are more likely to be LGBT, with 20% being lesbian, gay, or bisexual.

Additionally, transgender inmates “are five times more likely to be assaulted by correctional staff and nine times more likely to be assaulted by other incarcerated people” (Langness & Velasco, 2020, para. 13). This is likely a result of prison placement based on genitalia, which occurs far more often than prison placement based on identity. Because the prison hierarchy places emphasis on masculinity and fighting ability, transgender women are at an increased risk for rape and are often beaten and forced to prostitute by other inmates (Mann, 2006).

In addition to an increased likelihood of incarceration and assault behind bars, transgender people are at risk of being denied adequate medical care in prisons. The case *Meriwether v. Faulkner* (1987) provides an example of this. Lavarita Meriwether was a transgender woman who had been undergoing hormone replacement therapy for nine years prior to her incarceration. Despite evaluations confirming a diagnosis of gender dysphoria, she was assigned to a male prison and denied the ability to continue her hormone replacement therapy. Meriwether underwent symptoms of withdrawal and was continuously denied medical care. Ultimately, the court sided with Meriwether and recognized that gender dysphoria required treatment. However, despite this decision having set a precedent and the fact that the medical community is in agreement that hormone therapy is a medical necessity, there are no laws requiring prisons to allow transgender inmates to medically transition (Mann, 2006).

Since *Meriwether v. Faulkner*, many instances of prisons denying transition related healthcare to transgender patients have arisen. Bouvier et al. (2018, para. 6) reported that 1 in 4 transgender inmates were “denied access to healthcare during imprisonment.” For instance, in 2019, a transgender woman who was incarcerated in the Garner Correctional Institute was denied transition related medical care and filed a lawsuit against the Department of Corrections

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(Altimari, 2019). Similarly, Jessica Sunderland, a transgender woman, was denied the ability to continue hormone therapy and filed a federal civil rights suit against the Suffolk County Jail in 2013 (Grant, 2018). A similar incident occurred when the Missouri prison Potosi Correctional Center refused to allow inmate Jessica Hicklin to undergo treatment for her transition. Her attorneys argued that refusal to treat Hicklin's gender dysphoria was considered a cruel and unusual punishment because this treatment was deemed medically necessary. As a result, the Department of Corrections was court ordered to provide treatment (Suntrup, 2019).

Mental Health, Crime, and the LGBT Community

Mental health may also be a contributing factor to the high incarceration rates of LGBT individuals. Incarcerated individuals have a high likelihood of suffering from trauma and mental illness, which has a positive correlation with the likelihood of committing crimes (The Centre for Addiction and Mental Health, n.d.). Additionally, mentally ill people are less likely to have jobs, causing them to struggle more financially on average than a non-mentally ill person. In order to survive, they may turn to criminal behavior. Lastly, mentally ill people often experience symptoms such as the paranoia or aggressiveness one might experience during manic episodes that might lead to incarceration (The Centre for Addiction and Mental Health", n.d.).

Unsurprisingly, the statistics reflect this. According to Prins (2015, para. 11), "estimates for current major depression ranged from 9% to 29%, for bipolar disorder from 5.5% to 16.1%, for panic disorder from 1% (women) to 5.5% (men and women) to 6.8% (men), and for schizophrenia from 2 to 6.5%." While many of these mental illnesses may have developed as a result of incarceration, it is safe to assume that at least some inmates suffered from these disorders prior to incarceration and that these disorders may have been a factor in their incarceration.

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Mental illness appears to be prevalent within the LGBT community. Fish and Russell (2016, para. 15) explain that “almost 18% of lesbian and gay youth participants met the criteria for major depression and 11.3% for PTSD in the previous 12 months, and 31% of the LGBT sample reported suicidal behavior at some point in their life.” The rates for each disorder among the general population are less than half that of the LGBT population. Kidd et al. (2016) explains that, despite only 4.6% of the general population having attempted suicide in their life, a staggering 41% of the transgender population has attempted to end their life. Cochran et al. (2003) found that 1 in 5 gay men have comorbid mental illnesses and were over twice as likely to have symptoms of panic disorder and major depression as heterosexual men. Lesbian and bisexual women also have a higher chance of having diagnosed a mental illness as well, with 54% having comorbid mental illnesses compared to 30% of heterosexual women (Cochran et al., 2003).

Diversity Education as a Solution

In the wake of countless police killings of marginalized people, diversity education for criminal justice students is especially vital. A proper understanding of diversity issues and how to navigate them would go a long way in the criminal justice system. Not only would it help to lessen instances of police brutality against marginalized communities, it would also educate other members of the criminal justice system on how to positively interact with people from marginalized populations. Additionally, ensuring that criminal justice professionals are properly educated on diversity issues would pave the way for remedies for issues like police prejudice and brutality against marginalized communities, as well as the general distrust of the criminal justice system from marginalized communities.

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However, one problem that appears often in diversity education is that students generally choose courses in line with their beliefs, rather than courses that expand their tolerance. Due to this, students will benefit most if diversity education is enforced — that is, incorporated into required courses (Pattern & Way, 2011). Damante (2016) suggests that in order for LGBT people to be accepted more by society, public awareness and education about the community is needed. This can be applied into criminal justice curriculums as well. Criminal justice professionals are more likely to accept LGBT people and therefore have a better relationship with the LGBT community if given a proper education on LGBT issues. Despite this, many college criminal justice programs appear to lack proper diversity education. Pattern and Way (2011) found that 67% of criminal justice programs had courses based on racial, gender, and class diversity, and that out of these programs, only 14% required them. All evidence suggests that in order for students to receive the most well-rounded criminal justice education, criminal justice curriculums must incorporate enforced diversity education.

Proposed Solution

The importance of proper diversity education in criminal justice programs cannot be underestimated. Not only would this sort of course help criminal justice professionals better serve marginalized communities, it would improve criminal justice curriculums overall, allowing students to receive a higher quality, more rounded education. One proposed solution is to incorporate into criminal justice curriculums enforced diversity education that serves the purpose of covering these topics in depth. This would be best accomplished as a standalone course that focuses specifically on diversity in criminal justice. In order to understand how this sort of course might look, four schools with similar courses in their criminal justice programs were

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examined. These schools are Metropolitan State University, University of Phoenix, Community College of Baltimore County, and Portland Community College.

Metropolitan State University offers a four-credit course titled “Diversity in Criminal Justice,” which is described as a course that teaches students about “opportunities and challenges of providing criminal justice services in a multicultural society” (Metropolitan State University, 2020, para. 1). The course seeks to ensure that students are capable of efficiently responding to issues related to diversity and covers topics such as “conflict resolution, crime prevention, victimization and strategies to improve community relationships” (Metropolitan State University, 2020, para. 1). The course seeks to ensure that students are capable of identifying, understanding, and analyzing and responding appropriately to issues related to diversity in race, sexual orientation, gender, and more within the criminal justice system.

Similarly, University of Phoenix (2020) offers a course titled “Cultural Diversity in Criminal Justice.” While the course does appear to be aimed more towards racial issues, inspiration from this course could be used to create a similar course covering an even wider range of diversity. University of Phoenix (2020) details a week-by-week overview of the course, in which categories and definitions are covered in week one. Week two entails rates, statistical data, public opinions of the criminal justice system and interracial crimes as well as how race may affect victimization and offenses. Weeks three and four discuss discrimination and stereotypes in addition to discussing why diversity in criminal justice professionals is important. Week five discusses why cultural competence is important and some challenges that may be faced by the criminal justice system.

Community College of Baltimore County offers “Ethics and Diversity in Criminal Justice” which discusses issues related to ethics and diversity such as “discretion, due process,

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integrity and discrimination” (Community College of Baltimore County, 2020, para. 1). Finally, Portland Community College (2020) offers “Cultural Diversity in Criminal Justice Professions” which is a three-credit course that seeks to educate students on issues such as prejudice and discrimination affecting the criminal justice system, as well as how these issues came to be. Some topics covered include multicultural communities and representation, LGBT issues, racial issues, and cultural sensitivity.

Each of these courses provides an example of how a diversity-related criminal justice course may be effectively implemented. The most effective course of this nature would cover a wide range of diversity issues, such as race, sexuality, gender, ethnicity, etc. A good model can be seen by the University of Phoenix (2020), in which each week discusses new diversity topics. A similar course that includes various types of diversity would work best if students were given at least a week to research topics related to the issue being studied. An example is constructed in Table 1 below.

Table 1*Diversity in Criminal Justice Course Topics*

| | |
|--------|--|
| Week 1 | Overview of the course and topics to be studied |
| Week 2 | African American History <ul style="list-style-type: none"> - Studies the history of the African American community & the criminal justice system’s relationship with the community throughout American history |
| Week 3 | African Americans and the Criminal Justice System Today <ul style="list-style-type: none"> - Studies the current relationship between the African American community and the criminal justice system, including current issues such as the Black Lives Matter movement - Discusses disparities, discrimination, etc. affecting the criminal justice system |
| Week 4 | Latino American History <ul style="list-style-type: none"> - Studies the history of the Latino American community & the criminal |

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| | |
|---------|---|
| | <p>justice system's relationship with the community throughout American history</p> <ul style="list-style-type: none"> - Discusses disparities, discrimination, etc. affecting the criminal justice system |
| Week 5 | <p>Latino Americans and the Criminal Justice System Today</p> <ul style="list-style-type: none"> - Studies the current relationship between the Latino American community and the criminal justice system - Discusses disparities, discrimination, etc. affecting the criminal justice system |
| Week 6 | <p>Arab American History</p> <ul style="list-style-type: none"> - Studies the history of the Arab American community & the criminal justice system's relationship with the community throughout American history |
| Week 7 | <p>Arab Americans and the Criminal Justice System Today</p> <ul style="list-style-type: none"> - Studies the current relationship between the Arab American community and the criminal justice system - Discusses disparities, discrimination, etc. affecting the criminal justice system |
| Week 8 | <p>Native American History</p> <ul style="list-style-type: none"> - Studies the history of the Native American community & the criminal justice system's relationship with the community throughout American history |
| Week 9 | <p>Native Americans and the Criminal Justice System Today</p> <ul style="list-style-type: none"> - Studies the current relationship between the Native American community and the criminal justice system - Discusses disparities, discrimination, etc. affecting the criminal justice system |
| Week 10 | <p>Asian American History</p> <ul style="list-style-type: none"> - Studies the history of the Asian American community & the criminal justice system's relationship with the community throughout American history |
| Week 11 | <p>Asian Americans and the Criminal Justice System Today</p> <ul style="list-style-type: none"> - Studies the current relationship between the Asian American community and the criminal justice system - Discusses disparities, discrimination, etc. affecting the criminal justice system |
| Week 12 | <p>LGBT History</p> <ul style="list-style-type: none"> - Studies the history of the LGBT community & the criminal justice system's relationship with the community throughout American history |

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| | |
|---------|--|
| Week 13 | <p>The LGBT community and the Criminal Justice System Today</p> <ul style="list-style-type: none"> - Studies the current relationship between the LGBT community and the criminal justice system - Discusses disparities, discrimination, etc. affecting the criminal justice system |
| Week 14 | <p>Diversity Challenges in Criminal Justice</p> <ul style="list-style-type: none"> - Discusses the need for diverse criminal justice professionals & multicultural representation - Discusses racism & prejudice within the criminal justice system - Discusses marginalized communities' opinions of the criminal justice system - Examines protected & non-protected classes |
| Week 15 | <p>How can The Criminal Justice System Improve?</p> <ul style="list-style-type: none"> - Examines the need for culturally sensitive criminal justice professionals - Discusses how to improve the criminal justice system & eliminate racism, prejudice, homophobia, etc. |
| Week 16 | Finals |

Students would benefit most from this course if it were a required course that they must take in order to graduate with their bachelor's degree. If the course was not required, students most in need of it may choose not to take it. If a student is racist, homophobic, transphobic, or any other form of prejudiced, they are unlikely to take a semester long course that covers these issues in depth. In turn, this would result in another prejudiced professional entering the criminal justice system, which would contribute to the poor relationship between the criminal justice system and marginalized communities. However, if the student must take the course in order to graduate, it could very well open their mind to many of the issues faced by marginalized communities.

Conclusion

The criminal justice system has a convoluted history with marginalized communities that has led to extensive distrust among these populations. Although the system has greatly improved

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from where it once stood decades ago, it remains that there is still immense room for improvement today. Prejudice and ignorance still permeate the criminal justice system, dampening the effectiveness of the criminal justice system as a whole and resulting in a system that does not fairly serve all members of society. However, the criminal justice system is not past the point of no return — there is still time to remedy this. While diversity education is not the only solution to this ongoing problem, ensuring that criminal justice students are properly educated on diversity will go a long way in expanding the beliefs of future criminal justice professionals. A proper understanding of diversity and the issues surrounding it will ensure that these students can properly interact with members of marginalized communities, but this understanding begins with education. In order to efficiently educate students and serve the community, criminal justice curriculums must incorporate diversity education. In doing so, the criminal justice system may finally begin to repair the relationships with marginalized communities that have been tainted for so long.

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