

Race, Culture, Psychology & Law



Kimberly Holt Barrett
William H. George
Editors

Race, Culture,
Psychology,
& Law

To our children, Sarah, Sonora, and Henry.

—KHB & WHG

*To my parents and grandparents, Rosemary Holt and Philip Holt,
Nellie Halton and Howard Huntley, and Agnes Haggerty and
Walter Haggerty. And for the Halton sisters who crossed the Atlantic
from Ireland, children alone: Nellie, Annie, Tessie, and Mary.*

—KHB

*To my parents and grandparents, Lillie B. George and Will Henry George,
Claude Brantley and Jimmie D. Brantley, and Campbell George and
Gertrude George. And for ancestors known and unknown—African, African
American, and Native American Indian—who contributed in spirit.*

—WHG

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Editors

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CONTENTS

Foreword	ix
<i>Ron A. Mamiya</i>	
Foreword	xi
<i>Stanley Sue</i>	
Acknowledgments	xiii
The Need for Cross-Cultural Competence in Psychology and the Law: Introduction and Overview	xv
<i>Kimberly Holt Barrett and William H. George</i>	
Part I. Race and Justice	1
1. Psychology, Justice, and Diversity: Five Challenges for Culturally Competent Professionals	3
<i>Kimberly Holt Barrett and William H. George</i>	
2. Case Examples: Addressing Racism, Discrimination, and Cultural Bias in the Interface of Psychology and Law	19
<i>Kimberly Holt Barrett</i>	
3. Judicial Colorblindness, Race Neutrality, and Modern Racism: How Psychologists Can Help the Courts Understand Race Matters	31
<i>Kimberly Holt Barrett and William H. George</i>	
4. Five Habits for Cross-Cultural Lawyering	47
<i>Susan Bryant and Jean Koh Peters</i>	
5. Race, Community, and Criminal Justice	63
<i>Anthony V. Alfieri</i>	
6. Trials and Tribulations of African Americans in the Courtroom: Refuting the Myths	79
<i>Rudolph Alexander Jr.</i>	
7. Working With African American Children and Families in the Child Welfare System	91
<i>Marian S. Harris and Ada Skyles</i>	

Part II. Assessment	105
8. Guidelines and Suggestions for Conducting Successful Cross-Cultural Evaluations for the Courts <i>Kimberly Holt Barrett</i>	107
9. The Consequences of Racial and Ethnic Origins Harassment in the Workplace: Conceptualization and Assessment <i>Maria P. P. Root</i>	125
10. Cross-Cultural Forensic Neuropsychological Assessment <i>Tedd Judd and Breean Beggs</i>	141
11. Working With Interpreters <i>Rachel Tribe</i>	163
12. Assessment of Asylum Seekers <i>Deborah Freed</i>	177
13. Evaluating Child Abuse in Children Who Seek Asylum: Four Cases Studies <i>Ellen G. Kelman</i>	195
Part III. Immigration	203
14. Enhancing the Psychosocial Well-Being of Asylum Seekers and Refugees <i>Angela Burnett and Kate Thompson</i>	205
15. The Challenges of and Potential Solutions to the Problem of the Trafficking of Women and Children: An Overview <i>Sutapa Basu</i>	225
16. From Refugee to Deportee: How U.S. Immigration Law Failed the Cambodian Community <i>Dori Cahn and Jay Stansell</i>	237
Part IV. Working With Children and Families	255
17. Asian American/Pacific Islander Families in Conflict <i>David Sue</i>	257
18. The Challenge of Cultural Competence: An Introduction to Working With American Muslims and Their Families <i>Bahira Sherif-Trask</i>	269
19. Unaccompanied Children in the United States: Legal and Psychological Considerations <i>Dana Chou</i>	281
20. American Indian Families: Resilience in the Face of Legal, Economic, and Cultural Assault <i>Walter Kawamoto and Tamara Cheshire</i>	299
Part V. Juveniles	309
21. Race Disparities in the Juvenile Justice System <i>Eileen Poe-Yamagata and Madeline Wordes Noya</i>	311

22. A Cultural Approach for Promoting Resilience Among Adjudicated Mexican American Youth <i>Felipe González Castro</i>	327
23. Law and Social Identity and Its Effects on American Indian and Alaska Native Youth <i>Joseph E. Trimble and Robin A. LaDue</i>	343
24. The Impact of the Juvenile Prison on Fathers <i>Anne Nurse</i>	361
Part VI. Violence	373
25. Immigrant Women and Domestic Violence <i>Jeanette Zanipatin, Stacy Shaw Welch, Jean Yi, and Patty Bardina</i>	375
26. Race and Sexual Offending: An Overview <i>Jennifer Wheeler and William H. George</i>	391
27. Cultural Aspects of Sexual Aggression <i>Rachel E. Goldsmith, Gordon N. Hall, Christina Garcia, Jennifer Wheeler, and William H. George</i>	403
28. Advocacy in the Legal System: Cultural Complexities <i>Kari A. Stephens, Sandra Ibarra, and Kim Moore</i>	419
29. Immigration and Hardship: Living With Fear <i>Sonia Carbonell</i>	435
Index	447
About the Editors	469
About the Contributors	471

FOREWORD

What is our culture when America is not a homogeneous society? The U.S. population includes people with many origins and ancestries. More than 11% of the people now living in the United States were not born here, an estimated 32.5 million people. More than 150 languages and dialects are spoken here.

In addition, ever-changing world politics trigger further immigration, creating even greater cultural and ethnic diversity challenges. Since 1970, the composition of our foreign-born population has changed dramatically. Between 1970 and 2002, the estimated share of foreign-born U.S. residents from Europe dropped from 62% to 15%. Over the same period, the share of foreign-born residents from Asia grew from 9% to 25%. The share from Latin America also increased significantly, from 19% to 52%. We live in a culturally dynamic society.

When it comes to our legal system, however, our deep-rooted goals of “equality and justice for all” often are not reached, due greatly to our perception that our system of justice must be “colorblind” and “race neutral.” This often means that judges, lawyers, and other professionals involved in legal proceedings may discount relevant and important information that a person “brings to the table.” Recognition of cultural values and customs, ethnic traits, prior social structure, and even religion may give us greater insight into what happened and what can be done.

We live in interesting times. Memories of the civil rights movement are fading into history. Our aggressive foreign policy has created negative feelings toward some ethnic, social, and religious groups. And it appears that our own issues of race, culture, and ethnicity are being placed “on the back burner.”

Our legal system is slow to bring culture, race, and psychology into our courtrooms—first, for fear of delving into these sensitive areas and, second, because of the perceived inconsistency with the very foundation of our legal system—equal justice and fairness. Perceptions of treating people differently, affording greater resources, or looking at things through different lenses are some of the factors that perpetuate such resistance. Coming to terms with diversity and culture is one of the greatest challenges that the law in this country now faces. And with the increased urgency of global conflict resolution, the intersection of American culture, race, psychology, and law becomes even more important.

The chapters collected by editors Kimberly Holt Barrett and William H. George cover a broad range of issues and topics, and yet all address an even more fundamental concern, that is, “equal access to justice.” *Race, Culture, Psychology, and Law* is a substantial step toward opening our eyes and leveling the playing field. Irrespective of

x • **RACE, CULTURE, PSYCHOLOGY, AND LAW**

ethnicity, national origin, and physical or mental impairment, everyone is entitled to the “opportunity to effectively participate” in legal proceedings. This book gives the reader a greater understanding of what that truly is.

Ron A. Mamiya
Municipal Court of Seattle

FOREWORD

Why is this book concerning race, culture, psychology, and the law necessary or important? Isn't psychology as well as law applicable to all? The contributors to this book illustrate how psychology and law cannot be understood or applied without a fundamental grounding in race, ethnicity, and cultural experiences. The U.S. surgeon general, in his supplemental report (U. S. Department of Health and Human Services, 2001), noted how culture "counts" in explaining mental health outcomes. The same is true in psychology and law. Culture counts in at least two ways. First, cultural issues are intimately involved in explaining human behaviors and outcomes in our judicial system. Second, psychology and the law each have a culture. Unfortunately, these cultures have in the past been largely biased in an ethnocentric direction. They have perpetuated a colorblind philosophy, when the reality is that there are racial and ethnic disparities in the dispensing of justice and in the protection and security that are experienced. In fact, given the reality, a colorblind philosophy allows racism to flourish by denying the existence of prejudice and discrimination and by de-emphasizing the search for remedies.

Editors Kimberly Holt Barrett and William H. George have brought together an impressive array of contributions that demonstrate how critical it is to understand race, ethnicity, and culture in forensic psychology. There is an extraordinary range of topics that include the importance of race relations, psychological testing and evaluation, racial "profiling," disparities in death penalty convictions, immigration and domestic violence, asylum seekers, deportations and civil rights, juvenile justice, cross-cultural lawyering, and cultural competency in the administration of justice. In presenting the topics, the contributors vary in the use of theories and models, case examples, empirical research grounding, and practical guidelines on addressing dilemmas involving cultural issues (e.g., assessment and use of interpreters). The presentations will be particularly appealing and useful to practitioners, researchers, and forensic specialists in both psychology and the judicial system.

In appreciating the significant contributions of the authors, it is important to understand that the chapters are not intended simply to advocate that something be done for ethnic minority groups. Though one major effect of this book is to highlight the need to address the plight of ethnic groups, the real implication is to bring us back to the notion of "equal justice under the law" and its true meaning.

Stanley Sue
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REFERENCE

- U.S. Department of Health and Human Services. (2001). *Mental health: Culture, race, and ethnicity—A supplement to mental health: A report to the surgeon general*. Rockville, MD: U.S. DHHS, Office of the Surgeon General.

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Kimberly Holt Barrett

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