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Injustice in the Justice System: Reforming Inequities for True "Justice for All"

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Abstract

True justice is equitable. Counseling psychologists, through their skills, knowledge, and values, can be a powerful force in reforming a system that oppresses marginalized groups to one that is just. In this paper, we focus on three major aspects of the justice system: laws and the courts, law enforcement, and detention and corrections, and we further describe injustice in these three areas. We then use critical race theory and counseling psychology perspectives to develop a framework to provide counseling psychologists with practical strategies to transform inequities. Such strategies include advocating to change unjust laws, filling the research gap for effective and humane practices, developing evidence-based programs, and providing leadership and training.

Keywords

race, undocumented immigrants, police, sex trafficking, crime

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Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

—Robert F. Kennedy, Day of Affirmation Address

Administer true justice; show mercy and compassion to one another.

—Zechariah 7:9, NIV

From police use of excessive force to separating children from parents at the border, injustice in the justice system has garnered media attention (e.g., Benner, 2019; Jordan, 2019) and sparked public outrage (e.g., "Black lives upended by policing," 2018; Ramsey, 2019). For People of Color, this injustice is particularly distressing (Bor, Venkataramani, Williams, & Tsai, 2018). For example, unarmed People of Color have experienced unnecessary violence by law enforcement personnel, with law enforcement personnel rarely held accountable (Stinson, 2017). Youth of Color are disproportionately detained (Hockenberry & Puzzanchera, 2018) and disproportionately tried as adults (Juszkiewicz, 2007). Blacks comprise just 13.4% of the U.S. population (U.S. Census Bureau, 2017) but account for 33.0% of those incarcerated in state and federal prisons (Gramlich, 2018). In comparison, Whites comprise 76.6% of the U.S. population, but account for 30.0% of the state and federal inmate population (Gramlich, 2018; U.S. Census Bureau, 2017).

Our goal for justice system reform is an equitable system that upholds human rights and the dignity of people regardless of background. This goal is consistent with counseling psychology perspectives that emphasize social justice and cultural competence (see Altmaier & Hansen, 2012). Additionally, we acknowledge that inequities of the justice system reflect and reify the inequities in our larger society. We cannot fully resolve the problems in our justice system without dismantling racism and other forms of oppression in our society, but neither can we wait until we dismantle all forms of oppression to address the oppression that resides in the justice system. Our aim for this manuscript is to elucidate strategies to maximize justice within the existing system as we strive for more comprehensive societal reform.

Throughout this manuscript, we primarily refer to distributive justice—the "fair and equitable allocation of resources, burdens, pains, and gains" (see Prilleltensky, 2014, p. 296)—and procedural justice, which focuses on how decisions are made about justice and who participates in decision-making

about what is just. Inherent in this definition are requisite components of justice, including whether individuals affected by decisions have been treated with fairness and included in the decision-making process (Prilleltensky, 2014).

This 50th Anniversary issue of *The Counseling Psychologist* occurs 50 years after the assassination of two voices for justice, Martin Luther King, Jr. and Robert F. Kennedy. Yet, inequitable practices still permeate the U.S. justice system. Like Martin Luther King, Jr. and Robert F. Kennedy, we believe that justice is a human right. Reforming the system presents many challenges, including filling the research gap in justice reform issues, disseminating research about prevention and cultural competence, educating the public on justice reform issues, and developing effective relationships to transform societal structures. We encourage counseling psychologists to utilize their skills, knowledge, and values toward justice reform to create a just society for all people.

Alongside the lens of counseling psychology, which we describe next, we use critical race theory (CRT; Delgado & Stefancic, 2017) as a framework to understand and approach justice system reform, given the salience of racial discrepancies within the justice system. CRT aligns with multiculturalism and advocacy goals and helps frame the potential role of counseling psychologists in justice system reform. CRT is particularly suitable for this discussion, as the theory was developed within the legal system and focuses on reforming unjust societal systems, with iterations for Latinx (LatCrit), sexual minorities, and other oppressed marginalized groups (Delgado & Stafancic, 2017). Further, given the theory's emphasis on the historical and current disproportionate rates of injustice among People of Color (Delgado & Stefancic, 2017), CRT aligns well with the aims of this paper.

CRT

CRT burgeoned in the 1970s to describe the racism jeopardizing the civil rights of People of Color, and as an answer to varied conceptualizations of the issue of racism (Crenshaw, 2011; Delgado & Stefancic, 2017). CRT provides a systemic understanding of racism, intersectionality, power, and oppression. It is comprised of core tenets focused on understanding racism and social action, where the latter is seen as a tool to reform society (Delgado & Stefancic, 2017). Crenshaw (2011) argued that CRT encourages a transdisciplinary critique of the postracial society, and this article follows that recommendation by synthesizing the literature on law and criminal justice with that of counseling psychology and education.

An overarching tenet of CRT is that racism is a normative, common experience among People of Color, and that it is difficult to eradicate because it is embedded in the routine operations of U.S. society. Faith in "meritocracy"

and "color-blindness" masks the most obvious forms of racism (Delgado & Stefancic, 2017) CRT argues for equitable treatment of all people to combat subtle forms of racism prevalent in society. A second tenet of CRT, as proposed by Delgado and Stefancic (2017), presents the lens that because racism serves to benefit White people, there would likely be less motivation for White people to end racism. The third tenet states that race (e.g., physical features such as skin color) is a social construct and invention of society, as there is no evidence of the biological underpinnings of the concept of race. Another tenet of the theory asserts that the privileged group may view the oppressed group differently depending on the era. For example, immigrant Muslims might be initially viewed as exotic, but once feared, could then be viewed as dangers to society to be hated (Delgado & Stefancic, 2017).

The fifth tenet of CRT argues that no person has a single identity and encourages the study of intersectionality, multiple identities, and diversity within racial and/or ethnic groups (Crenshaw, 1991; Delgado & Stefancic, 2017; Moradi & Grzanka, 2017). This is important given that racism operates alongside and in conjunction with other systems of oppression such as classism, sexism, heterosexism, ableism, and nativism. A key consideration of intersectionality is that the experiences of those with multiple marginalized identities (e.g., Black women) cannot be fully understood if each identity is examined independently. For example, Women of Color who are victimized experience unique structural barriers that exacerbate stressors—such as poverty, unemployment, and low social capital—as a result of being both a woman and a Person of Color (Crenshaw, 1991).

Finally, CRT stresses the value of understanding the life experiences of People of Color when studying racially divided social positions, and in particular the importance of understanding individuals' distinctive stories in conceptualizing race and racism within political, social, and historical settings. Any efforts toward social justice require explicit attention to racism and its connections to other systems of oppression (Delgado & Stefancic, 2017). As we discuss in each section that follows, CRT provides a framework to understand the societal role in oppressing People of Color through laws, enforcement of laws, and how punishment is levied. Counseling psychologists' efforts to make the justice system more just will be incomplete if racism is not explicitly addressed.

Psychology Framework for Justice System Advocacy

The field of counseling psychology reflects a unique set of values, including cultural competence, social justice, and prevention (Altmaier & Hansen, 2012).

Table 1. Framework for Justice System Advocacy

Types of Efforts	Targets of Efforts			
	Policy makers	Policy and system implementers	Individuals affected by policies and systems	Public
Generate knowledge	Conduct policy relevant research	Evaluate interventions, policy, and practice	Investigate experiences of those affected by injustice	Study public perceptions and attitudes that perpetuate injustice
Interpret and disseminate knowledge	Share knowledge with policy makers and courts	Conduct professional development and consultation with justice system employees	Empower communities with knowledge	Inform the public
Take action based on evidence, skills, and values	Make policy	Advance implementation of evidence-based practice	Engage in targeted community prevention and intervention efforts	Engage in universal prevention and intervention efforts

Notably, values related to CRT, such as the importance of understanding systemic barriers, and the use of social justice advocacy, are becoming increasingly prominent in the field (Lichtenberg, Hutman, & Goodyear, 2018). Motivated by such values, counseling psychologists are well positioned to tackle the challenges of the justice system. As witnesses to outcomes of injustice and equipped with interpersonal skills, counseling psychologists are in a position to collaborate with, and advocate for, those who are most negatively impacted by the justice system. Guided by CRT, counseling psychology skills can be used to advance meaningful advocacy efforts.

Allied mental health professionals have articulated how to apply values and skills to advocacy efforts. For example, the American Counseling Association's Advocacy Competency Domains (Toporek & Daniels, 2018) conceptualize advocacy in terms of (a) the level of intervention (microlevel to macrolevel), (b) the extent of client involvement (in collaboration with vs. on behalf of), and (c) the focus of counselor energy (from client support to system interventions). Envisioning the role of counseling psychologists in promoting justice within the justice system, we developed a framework that focuses on the macrolevel and system intervention aspects of advocacy, drawing on psychologists' strengths in research and intervention. Specifically, our framework, titled Framework for Justice System Advocacy (Table 1) identifies ways in which counseling psychologists can apply their skills to generate, interpret, and disseminate knowledge, as well as take action based

on evidence, skills, and values. Counseling psychologists may focus their skills to work with those who develop, implement, or are particularly influenced by policy related to the justice system, and also to work with the general public. Ideally, this framework will help counseling psychologists align their interests, skills, and connections with specific types of advocacy to promote justice in the justice system.

Consistent with our aim of providing an actionable mission for counseling psychologists to promote justice, we focus on three major aspects of the justice system: laws and the courts, law enforcement, and corrections and detention. These are three large structures in society foundational to distributive and procedural justice, and provide the context in which People of Color face injustice within the justice system. Grounded on CRT and counseling psychology perspectives, we specifically endeavor to (a) identify areas within the justice system in need of reform; (b) present strategies for counseling psychologists' potential roles in justice system reform; and (c) highlight implications for clinical practice, research, education, and advocacy in justice system reform.

Laws and the Courts

Racialized Laws: Past and Present

According to CRT, it is important to examine historical, social, political, and economic contexts when developing an understanding of racial stratification in U.S. society (Delgado & Stefancic, 2017); these contexts also influence differential outcomes in the justice system for People of Color. Consider, for example, a recently discontinued U.S. policy of separating migrant families at the Southern border. This mirrors other historical laws and policies in the United States (Pryce, 2018). For example, slavery separated children from mothers for profit (Pryce, 2018). "Black Codes" separated Black men from their families through arrest and incarceration (Blackmon, 2009). Boarding schools separated Native American children from families for forced assimilation (see Gone et al., 2019; Pryce, 2018). Other laws demonstrate continual injustice for People of Color. During World War II, over 110,000 Japanese living in the United States were forced to relocate to internment camps (see Nagata, Kim, & Wu, 2019). During the Great Depression, it has been estimated that up to 1,000,000 Mexican immigrants and U.S. citizens of Mexican ancestry were coerced to leave the country (U.S. Citizenship and Immigration Services, 2014). Deportations took place even in hospital emergency rooms, leading to community trauma, as some U.S. citizens of Latinx descent continue to avoid accessing emergency health care for fear of deportation (Maldonado, Rodriguez, Torres, Flores, & Lovato, 2013).

Even some laws that do not explicitly dictate discriminatory procedures based on race still disproportionately and negatively influence People of Color. For example, under Presidents Richard Nixon and Ronald Reagan, the federal government initiated and escalated the War on Drugs, which disproportionately criminalized drugs used and sold primarily by Persons of Color (Hinton, 2016). U.S. laws enacted after the terrorist attacks of September 11, 2001, increased the deportation and detainment of immigrants (Roth, 2005). Further, and in conflict with international law, torture strategies (e.g., waterboarding) were employed on detained Muslims, many of whom were from Arab or South Asian countries, and who were suspected, even without evidence of guilt, of terroristic associations (Barak, Leighton, & Cotton, 2015; Senate Select Committee on Intelligence, 2014).

Today, laws continue to have a differential application for People of Color. On June 26, 2018, the U.S. Supreme Court upheld a ban that prevented entry to the United States by people from five Muslim majority nations—Iran, Libya, Somalia, Syria, and Yemen (*Trump, President of the United States v. Hawaii*, 2018). Other laws allow law enforcement personnel to stop anyone even suspected of having an undocumented status (Williams, 2011). Further, the U.S. Department of Justice (U.S. DOJ) reported that law enforcement has been used to systematically extract money from the poorest residents of cities (e.g., residents in Ferguson, Missouri; U.S. DOJ, 2015).

Other laws have been differentially applied to People of Color, even if not developed to be intentionally racist. For example, "Stand Your Ground" laws allow civilians to use deadly force for self or property protection (National Conference of State Legislatures, 2018). According to Florida law:

(1) A person who is in a dwelling or residence in which the person has a right to be has no duty to retreat and has the right to stand his or her ground and use or threaten to use:

(a) Nondeadly force against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force; or

(b) Deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony (Justifiable Use of Force, 2019).

An analysis of convictions based on Florida's "Stand Your Ground" laws found that, if the victim was White, a conviction of guilt for using deadly

force was twice as likely than if the victim was not White (Ackerman, Goodman, Gilbert, Arroyo-Johnson, & Pagano, 2015).

Sentencing and Fees

Sentencing. Laws that influence sentencing can also create inequities in the justice system, and such laws can disproportionately affect People of Color. For example, "Mandatory Minimum Sentencing" laws require judges to give predetermined sentences for crimes regardless of context. Thus, having 5 grams of methamphetamine requires a sentence of at least 5 years of prison (Criminal Justice Policy Foundation, 2018). Crack cocaine, which is predominantly used by the Black community, has a mandatory minimum of 5 years for 28 grams. On the other hand, powder cocaine, which is similar to crack cocaine but lacks baking soda, is used primarily by Whites, and has a mandatory minimum of 5 years for 500 grams (U.S. Sentencing Commission, 2017b). Thus, these sentencing guidelines can disproportionately affect People of Color.

Further, the death penalty is legal in 31 states, with Blacks encompassing 41.5% of all people on death row (Criminal Justice Project, 2017), despite the fact that Blacks account for only 13.4% of the U.S. population (U.S. Census Bureau, 2017). Similarly, the U.S. Sentencing Commission (2017a) found that, controlling for relevant factors such as type of crime, Black men are given sentence lengths 19.1% longer than White men. There is also a strong potential for bias to arise in the jury selection process, as jurors are selected from lists that often underrepresent People of Color such as vehicle registrations, voter registrations, and property tax rolls (see Walker, Spohn, & Delone, 2018). Judges may also hold biases. In an empirical study with 239 federal and state judges (29% women), results suggested that judges held implicit bias and prejudice against People of Color and religious minorities (Levinson, Bennett, & Hioki, 2017). Attempts to ameliorate bias, such as computerized methods of sentencing, may also be problematic, as the data for computer algorithms may themselves be biased, such as arrest data that fail to account for enhanced police surveillance in areas populated by People of Color or data from sources that may not be methodologically sound (Hannah-Moffatt, 2018). One such algorithm had a much higher rate of false positives in predicting recidivism for Blacks (40.4% false positives) than for Whites (25.4% false positives; Dressel & Farid, 2018). More effective strategies to decrease sentencing bias are needed that address root causes and promote procedural justice.

Fees. Although public safety should be the reason for court involvement, fines and fees (e.g., as administrative add-ons to traffic tickets) often provide

revenue to the court and local government. However, the collection of fees is a separate issue from public safety and could present a conflict of interest (Case & Bhattacharya, 2017). Indeed, public safety may worsen with fines and fees, as youth punished with fines and fees are more likely to recidivate (Piquero & Jennings, 2016). In many states, not paying a fine for a traffic violation leads to higher fees, yet people who are poor often struggle to pay fees that range from $100 to $300 (Case & Battacharya, 2017). In evaluating the police and court system in Ferguson, Missouri for just the year 2013, the Justice Department found that although the city had a population of 21,135 residents, 32,975 warrants for arrests were issued, mainly for traffic-related offenses (Schwartztol, 2017). In addition, most of the courts in St. Louis, MO, give high fines for traffic citations and other misdemeanor offenses, disproportionately burdening individuals with lower socio-economic status and threatening their ability to obtain and retain employment ("Policing and Profit," 2015).

Physical and Mental Health Consequences of Biased Laws and its Application

A foundational principle of U.S. democracy, stated clearly in the U.S. Declaration of Independence, is that government powers are derived from the consent of the governed. Such powers include establishing laws and policies. Thus, it can be considered that biased laws and courts may reflect similarly biased societal beliefs and attitudes toward targeted groups. Societal discrimination appears to have physical and mental health consequences, as meta-analytic reviews found that perceived discrimination and racism negatively affected physical and mental health (Carter, Lau, Johnson, & Kirkinis, 2017; Lee & Ahn, 2011; Pascoe & Richman, 2009). Although more empirical evidence for a direct relationship between biased laws and health is needed, given the history of U.S. policies and laws that have treated People of Color in an unjust manner, the findings of the aforementioned meta-analyses might provide at least a partial explanation for why People of Color not only have the highest incarceration rates but also the worst health outcomes, including the highest rates of infant mortality, the highest rates of mortality associated with diabetes, and the highest mortality rates before age 75 (Bailey et al., 2017).

CRT posits that racism is pervasive throughout the structures of society, extending beyond the laws and the courts. Laws need to be enforced, yet unjust laws have had a disproportionate application on People of Color, often creating incentives and an infrastructure that leads law enforcement personnel to focus disproportionately on these communities (U.S. DOJ, Civil Rights Division, 2015). Thus, the next section provides further discussion about the

enforcement of laws, community reactions to their enforcement, and issues in law enforcement training and intervention.

Law Enforcement

Police shootings of unarmed Black men have evoked national attention (Hargons et al., 2017). CRT emphasizes a systemic understanding of such racial injustice by focusing on the perspectives of the oppressed group, and endorses the enactment of change through advocacy. This section extends the CRT framework to provide information on the racially unjust state of U.S. law enforcement, community perceptions of law enforcement, and ongoing initiatives to address injustices.

Police Violence, Racial Profiling, and Discrimination Against People of Color

The proliferation of incidents where unarmed People of Color—such as Blacks, Latinx, Native Americans, and Asians—have been seriously injured or killed, have led to increased efforts for more careful oversight of law enforcement personnel, including efforts for greater transparency in the supervision and reporting of police activities (see Police Executive Research Forum, 2015). Among rates of people killed by police in 2016, out of every 1,000,000 individuals, Native Americans were killed at the highest rate at 10.13 persons, followed by Blacks at 6.64, and Latinx at 3.23, whereas Whites and Asians/Pacific Islanders were killed at rates of 2.9 and 1.17, respectively (Swaine & McCarthy, 2017).

The National Institute of Justice (2011) has identified problematic policies and strategies in the use of force by law enforcement personnel. In many instances, the use of Oleoresin Capsicum (pepper spray) and electronic control weapons (e.g., stun guns, tasers) has been included routinely under definitions of "police brutality," or has been used to illustrate the use of excessive force (National Institute of Justice, 2011). The proliferation of cameras, from those in cellular phones to body cameras worn by police, to store-bought video cameras, allows for an even greater awareness of racial disparities in policing (Dreier, 2016). For example, when reporting on the court record of a fatal police shooting in 2014, the Dayton News stated that John Crawford III was shot to death by law enforcement personnel in a Walmart store due to concerns that a Black man was loading and pointing a gun at people in the store. However, store video revealed that the customer had not pointed a gun at anyone but was looking at the shelf while nonchalantly swinging a Walmart BB gun (Gokavi, 2016).

The "Veil of Darkness" analytic method, one of the most data-driven methods for examining racial differences in the pattern of police traffic stops, compares traffic stops in daylight with stops in the evening (Ross, Fazzalaro, Barone, & Kalinowski, 2016). Ross et al. (2016) found that People of Color were more likely than their White counterparts to be stopped during the day, when the driver's race was visible, than at night when race was less visible.

In addition, a comprehensive investigative report on the city of Ferguson revealed that city officials routinely urged the police chief to generate more revenue through enforcement of traffic laws and local ordinances, even when legitimate violations had not taken place (U.S. DOJ, Civil Rights Division, 2015). This mandate profoundly influenced the Ferguson Police Department's relationship with the community, as officers seemed to view some residents, especially those in Black and poor neighborhoods, less as constituents to be protected than as prey for potential sources of revenue (U.S. DOJ, Civil Rights Division, 2015). These unjust practices were so egregious that the city was mandated to develop a court-supervised consent agreement with the U.S. Justice Department's Office of Civil Rights (*U.S. v. City of Ferguson*, 2016 This consent agreement committed the municipality (e.g., city or district) to appoint and pay for a federally authorized monitor of the agreement, actually a one- or two-person office with associated staff who would have court-mandated oversight of all police operations, including the task of reviewing and supervising critical incidents, especially use-of-force events. The monitor, as per the agreement, must support wide-ranging involvement of community members, including the development of committees of residents who provide input about the way in which the Ferguson Police Department is run. Data collected through this initiative, including use-of-force incidents, vehicle searches conducted pursuant to traffic stops, and other elements of enforcement actions, were required by the consent agreements to be made available to the federal monitor, including the reasons for taking those actions (see *U.S. v. City of Cleveland*, 2015; *U.S. v. City of Ferguson*, 2016). Because the consent agreement gave the monitor oversight of the Ferguson Police Department, local government officials resisted the change but were obligated to abide by it by the Federal Court (see *U.S. v. City of Cleveland*, 2015; *U.S. v. City of Ferguson*, 2016).

Although the experiences of Men of Color are highlighted in popular media, Black women also experience disparities in policing. Black women are more likely than White and Latina women to experience traffic stops as well as arrests during stops (Prison Policy Initiative, 2019). For example, video footage of Sandra Bland, a Black woman stopped by police for a simple traffic violation, shows the officer violently throwing her to the ground and threatening her with "I will light you up!" for refusing to put out her

cigarette (Ford, 2015). In 2013, of all women stopped by police in New York City, 53.4% were Black, and 27.5% were Latina, but only 13.4% were White (as reported in Crenshaw, Ritchie, Anspach, Gilmer, & Harris, 2015).

South Asians have also experienced use of excessive force and unjust treatment by police (e.g., American Civil Liberties Union [ACLU] of New York, 2019; *Patel v. City of Madison*, 2018; Sikh American Legal Education Defense Fund, 2007). For example, a 57-year-old Asian Indian man, Sureshbhai Patel, was visiting his son, an engineer, in Madison, AL. While walking in the neighborhood where his son lived, a law enforcement officer approached and questioned Mr. Patel because the officer had received a call regarding an unfamiliar "skinny Black man" in the neighborhood. Mr. Patel was unable to speak English, and with the few English words he knew, stated multiple times "India" and "no English" to the officer. The officer did not appear to pay attention to the statements, however, and during the pat down threw Patel, who weighed 115-lbs. and was unarmed, to the ground with such a violent force, that it caused severe spinal injury and paralysis in the Indian man. The officer claimed that Mr. Patel did not listen to him and jerked away—although video evidence did not indicate that any such movement occurred (*Patel v. City of Madison*, 2018). Despite the video evidence, the officer did not lose his job and the assault charges for the officer were dropped, as the judge (a White female) stated that the officer's guilt could not be proven beyond a reasonable doubt (see Fuchs, 2016).

In addition to racial minorities, individuals with disabilities have disproportionately experienced police use of force. The Treatment Advocacy Center (2015) investigated three different databases, one from 2011 and two from 2015, and discovered that 25% of people killed by law enforcement personnel had a cognitive disability or mental health diagnosis, including many high profile cases involving People of Color (e.g., Eric Garner, Sandra Bland; Perry & Carter-Long, 2016). The U.S. Department of Health and Human Services (2017) reported that, compared to the general population, having a significant mental illness increased the probability to be the victims of violent crime tenfold, and the mentally ill were responsible for 3% to 5% of violent crimes. Use of force toward people with a disability further underscores the need for transformation in the justice system. There is a need to understand "where disability intersects with other factors that often lead to police violence" (Perry & Carter-Long, 2016, p. 1).

Community Perspectives

People of Color. Systemic injustices, perceptions, and experiences of police–community interactions differ based on the race and/or ethnicity of the

community members. Numerous studies have demonstrated that Black and Latinx community members report lower trust of law enforcement officers than their White counterparts (e.g., Brunson & Miller, 2006; Solis, Portillo, & Brunson, 2009). Brunson and Miller (2006) interviewed 40 Black youth aged 13 to 19 years in St. Louis, to explore their perceptions of law enforcement. Most participants stated that they had or experienced (83%) harassment by law enforcement personnel. Some participants reported that law enforcement officers did not arrive quickly when called for help, and when participants were charged with crimes, law enforcement officers acted more forcefully and violently than necessary. A study in Miami presented similar results (Ruffin, 2017), indicating that 82% of the respondents perceived that race and social class were the biggest reasons for the poor interactions between the police and the community. A qualitative study of 30 Puerto Rican and Dominican young adults in New York's Spanish Harlem suggested "unfavorable views of local police, concerns about the amount of time it takes for officers to arrive when summoned, and officers' routine disrespect of community members during involuntary police citizen encounters" (Solis et al., 2009, pp. 44–45).

Variability in experiences may occur across groups and cities. For example, a survey of 850 Arab Americans in Detroit indicated that most participants endorsed confidence in the police (Sun & Wu, 2015). However, another study using community-based data indicated that the majority of Arab American participants did not support aggressive antiterrorist policing of Arab Americans (Sun, Wu, & Poteyeva, 2011). These findings suggest that within marginalized racial and ethnic groups, community perspectives on policing align with the community's experiences of law enforcement. Given that Communities of Color also want to be protected and served, participants' perspectives reflect both the desired role of law enforcement and lived experience with law enforcement. This complex picture unpacks dichotomous notions of police and community relations in Communities of Color, and provides a starting point for counseling psychologists to understand ways in which they may partner with both groups to reenvision the function of law enforcement in Communities of Color.

LGBTQ communities. CRT tradition provides an analysis that focuses on race. However, injustices in the justice system may be directed at marginalized groups or at individuals whose marginalized identities intersect with racially marginalized identities, such as sexual and gender minorities (SGMs). Similar to racial minorities, SGMs report experiencing biased treatment by law enforcement, such as officers' reluctance to intervene in anti-LGBTQ public harassment, or their unwillingness to determine if a crime was motivated by

hate (Israel et al., 2017). These perceptions may contribute to LGBTQ people's mistrust of law enforcement personnel and reluctance to report crimes (Mallory, Hasenbush, & Sears, 2015). Further, law-enforcement culture reflects traditional masculinity and heteronormativity (Collins & Rocco, 2015), with evidence of hostility towards peers who are sexual-minority law enforcement officers (Lyons, DeValve, & Garner, 2008).

In a large study of transgender Latinx women, most participants reported verbally abusive treatment by police, with 24% indicating sexual assault by police and 21% indicating physical assault (Mallory et al., 2015). Furthermore, laws that criminalize sexual behavior related to HIV status are used disproportionately against People of Color (Center for American Progress & Movement Advancement Project, 2016). Such disparities in the application of justice result in the intersectionality of oppression within the legal system, which mirrors societal inequities.

Physical and Mental Health Consequences of Unjust Law Enforcement

When suspects resist police authority or when law enforcement officers use force, the potential for injury increases. Police injured an estimated 55,400 people during stop-and-search incidents in 2012 (Miller et al., 2017). A study of 304 residents and 261 police officers in the Ferguson community found that Black residents experienced higher levels of depression and PTSD than White residents; further, all residents in the sample, regardless of race, had higher symptoms of these disorders than law enforcement personnel (Galovski et al., 2016). The authors attributed Black residents' high levels of distress to the community violence that ensued between community members and police following the death of Michael Brown, an unarmed Black youth shot to death by a White law enforcement officer. Similarly, Muslim Americans in the United States who experienced government or police surveillance reported higher levels of anxiety than Muslim Americans who had not interfaced with law enforcement personnel (O'Conner & Jahan, 2014).

CRT emphasizes that racism is pervasive. Thus, the natural result of racial bias in laws, courts, and law enforcement is the subsequent over-representation of People of Color and those with intersecting identities in corrections and detention centers. In the next section, corrections and detention are discussed, focusing on those groups that are over-represented in youth and adult facilities. We also outline the specific roles that counseling psychologists can take in alleviating these disparities.

Detention and Corrections: Juveniles, Adults, Re-entry, and Special Populations

One in 45 Whites is under correctional supervision, but the proportions are much higher for People of Color; one in 11 Blacks and one in 27 Latinx are under correctional supervision (Pew Center on the States, 2009). An analysis of 2014 data from the Bureau of Justice Statistics reported that Black women had 1.6 to 4.1 times more likelihood of incarceration than White women (Carson, 2015). Sexual minorities are significantly overrepresented amid those who are incarcerated, comprising 42.1% of all incarcerated women (Meyer et al., 2017). Of transgender women, nearly one in five (19.3%) experienced incarceration, and 41.6% among these were transgender Women of Color (Reisner, Bailey, & Sevelius, 2014).

Compared to other Western countries, the United States seems less focused on rehabilitation in general (Subramanian & Shames, 2013). When comparing U.S. prisons with prisons in Germany and Norway, results indicated that overall, those in Europe focused more on rehabilitation than those in the United States; U.S. prisons seemed more focused on punishment than rehabilitation (Subramanian & Shames, 2013). Further, the growth in the use of private prisons in the United States (Gotsch & Basti, 2018), which have a profit-generating motive to incarcerate individuals, may constitute a conflict of interest. With an emphasis on profits, these prisons have little incentive to focus on rehabilitating prisoners or enhancing public safety. In the next section, we address issues related to the correctional system, such as detention populations and issues, adjudicated youth, youth trafficking, adult imprisonment, and reentry into society. We conclude by discussing the growth of immigrants in federal detention facilities, with specific considerations for unaccompanied immigrant minors.

Justice-Involved Youth

Arrest and Detention. Youth of Color are overrepresented among youth arrested and detained (Krisberg, 2018), a concept widely known as disproportionate minority contact. National juvenile court statistics from 2015 indicate that more Black youth (28,400) were placed out of the home (e.g., detention) than their White counterparts (22,400; Hockenberry & Puzzanchera, 2018). Further, Latinx youth were also more likely to be detained than Whites (Bonnie, Johnson, Chemers, & Schuck, 2013). This is problematic, as juvenile detentions are often perceived as "pipelines to prison" (Edelman, 2007, p. A43). In addition, Black and Latinx youth are more likely to be tried as adults than their White counterparts (Juszkiewicz, 2007). Gonzales (2016)

reported on a study conducted by WNYC radio in which data obtained from New Jersey courts revealed that almost 90% of the youth tried as adults were Black or Latinx.

Numerous factors contribute to this disproportionate minority contact, including structural disparities such as poverty, poor housing, poor nutrition, and harsher discipline in school for Youth of Color versus their White peers (see Bartol & Bartol, 2017; Bonnie et al., 2013). Structural disparities influence criminal justice contact in a number of ways. For example, children in low-income, inner-city neighborhoods are exposed to high levels of lead, a potential risk factor for antisocial behavior (see Bartol & Bartol, 2017). In one study of young adults born to mothers living in older housing that had lead contamination, those who had higher arrest rates also had higher levels of blood lead concentration (Wright et al., 2008).

Girls of Color are also overrepresented in the justice system. The National Women's Law Center analyzed data from 2013 to 2014 from the U.S. Department of Education Office of Civil rights, and found that Black girls are 5.5 times more likely to experience suspension from school compared to White girls, and Native American and Latina girls are three times and two times, respectively, more likely to be suspended, illustrating how Girls of Color are placed at higher risk of justice system involvement (Onyeka-Crawford, Patrick, & Chaudhry, 2017). Using the same data set, researchers found that although Black girls comprise 15.6% of the school population, they constitute 37.3% of the girls arrested (Onyeka-Crawford et al., 2017).

LGBT youth are overrepresented in the justice system as well, making up 20% of all juveniles; among these, 85% are Youth of Color (Center for American Progress, 2016). In one study, sexual minority youth reported experiencing harsher school discipline, and being more involved in the justice system, than their nonsexual minority peers (Poteat, Scheer, & Chong, 2016). In a study of 55 LGBT youth involved with the justice system, over 90% of participants reported problems related to lack of parental support (Majd, Marksamer, & Reyes, 2009). In another study of sexual minority youth involved in the justice system, participants reported experiencing more sexual victimization than their heterosexual peers (Wilson et al., 2017)

Child sex trafficking. Although many states have enacted legislation to protect victims of child sex trafficking, these youth continue to face increased risk of contact with the juvenile justice system (Polaris Project, 2013; Shared Hope International, 2016). The exact number of commercially sexually exploited children (CSEC) in the United States is difficult to determine, yet the U.S. Department of Justice estimates that at least 100,000 and up to 3,000,000 children are forced into prostitution, pornography, and/or sexual slavery

(Curtis et al., 2008). Covenant House (2013) found that approximately 25% of homeless youth receiving services at their shelter in New York were either trafficked or exchanged sex to have their basic needs met. Despite the fact that no certain figures exist, child advocates are concerned that the CSEC population is expanding due to Internet facilitation of trafficking and globalization (Coonan & Thompson, 2003; Curtis et al., 2008).

The Victims of Trafficking and Violence and Protection Act of 2000 defined *severe forms of trafficking in persons* as "a commercial sex act. . . induced by force, fraud or coercion or in which the person induced to perform such act is under 18 years of age" (§ 103-8). A *commercial sex act* refers to "any sex act, on account of which anything of value is given to or received by any person" (§ 103-8). Therefore, when a minor exchanges a sexual act for an item of value, this action meets the legal definition of sex trafficking whether the youth's actions are believed to be coerced or voluntary (Covenant House, 2013; Finklea, Fernandes-Alcantara, & Siskin, 2015). Despite this legal protection, many youth who engage in survival sex, or exchange sexual acts to acquire necessities such as food and shelter, risk criminalization or arrest (Lavoie, Dickerson, Redlich, & Quas, 2019). More recently, states have enacted "safe harbor" policies to increase the likelihood that CSEC will receive social welfare services rather than detention. Policing procedures and training vary widely, however, and in some states, CSEC are still legally allowed to be charged with prostitution (Lavoie et al., 2019).

The American Psychological Association's (APA) *Report of the Task Force on Trafficking of Women and Girls* (2014) noted that those at greatest risk for sex trafficking in the U.S. are vulnerable populations, including immigrants and People of Color (Clawson, Salomon, & Grace, 2008; Estes & Weiner, 2001). Further, emergent data suggests that Native American women and LGBT youth are at significantly higher risk of exploitation as compared to their White counterparts (Curtis et al., 2008; Deer, 2010). Risk factors for victimization include environmental conditions that disproportionately influence low-income Communities of Color and Native populations, such as overcrowding, high rates of substance use and unemployment, and a thriving adult prostitution market (Deer, 2010; Estes & Weiner, 2001). In addition to environmental risk factors, individual risk factors include a history of childhood trauma and interaction with the child welfare system (Gerassi, 2015). Externalizing behaviors often co-occur with risk factors for trafficking, leading to increased risk of runaway behavior, truancy, and substance use (Landers, McGrath, Johnson, Armstrong, & Dollard, 2017). Specifically, a history of sexual abuse has been associated with greater likelihood of incarceration among girls, a phenomenon termed the "sexual abuse to prison pipeline" (Saar, Epstein, Rosenthal, & Vafa, 2015, p. 5).

Survivors of sex trafficking might come into contact with the justice system through a variety of pathways. Often, CSEC are initially arrested on suspicion of prostitution or detained due to perceived involvement in delinquent behavior (Lavoie et al., 2019). Low-income Communities of Color may experience higher rates of surveillance and legal punitive action, increasing the likelihood of individuals in those communities being detained following sexual exploitation (Sanghera, 2005). Of those engaging in survival sex in New York City, the majority are Youth of Color (Curtis et al., 2008). In one qualitative study examining the experiences of 283 LGBT youth engaging in survival sex, 37% identified as Black, 22% as Latinx, and 30% reported identifying with more than one race or ethnicity (Dank et al., 2015). Although there is a lack of research exploring rates of exploitation in Native communities, emergent data suggest that rates of sex trafficking are exceedingly high among Native American women (Deer, 2010). The literature points to an increased risk of trafficking among Women of Color due to economic and systemic barriers (Gerassi, 2015). As such, there is an increased likelihood that CSEC from marginalized communities will interact with the justice system.

Adult Corrections

The United States incarcerates more people than any other country in the world, with 49.3% of those incarcerated returning after release (U.S. Sentencing Commission, 2016). Mentally ill inmates are overrepresented in corrections (James & Glaze, 2006). According to a U.S. DOJ Bureau of Justice Statistics Special Report, in 2005 more than half of individuals in U.S. prisons and jails had a mental illness (James & Glaze, 2006). Scholars have found that 4% to 7% of the growth in incarceration between 1980 and 2000 was due to the deinstitutionalization of psychiatric hospitals (Raphael & Stoll, 2013).

The use of private prisons run by for-profit companies has seen growth in the United States (Gotsch, & Basti, 2018). After comparing reports from the U.S. DOJ Bureau of Justice Statistics in 2000 and 2016, Gotsch and Basti (2018) of the Sentencing Project reported there has been a 47% increase in the private prison population, with a 442% increase in private detention centers for immigrants, during this time. Having prisons that are in the business of generating profits could be a conflict of interest with rehabilitation efforts, given that profits are generated by housing people who are incarcerated, not by rehabilitating them for successful release. Further, such prisons are more violent and unsafe compared to government prisons (Office of Inspector General U.S. Department of Justice, 2016). For-profit prison companies generate several billion dollars in profits annually (Gotsch, & Basti, 2018). Lobbying efforts appear to be strong

by for-profit prison companies. For example, the ACLU of Montana (2017) reported that one for-profit prison entity, Core CIVIC, offered $30 million to the state's governing administration to renew its private prison contract for another decade.

An important part of best practices in correctional treatment to reduce recidivism, as noted in the risk need responsivity model (Bonta & Andrews, 2017), is for services to be tailored to the individual characteristics of the justice-involved person, such as race and ethnicity—a principle called *responsivity* (Bonta & Andrews, 2017). Correctly applying responsivity may be beneficial to encourage participation in prison programming for People of Color. For example, Rampey et al. (2016) of the U.S. Department of Education released a report indicating that Blacks, Latinx, and foreign-born persons have the lowest literacy and mathematical skills of all prisoners, and Blacks have the lowest rates of full-time employment history. Yet, Blacks were the least likely to receive training from college or trade school while in prison, as indicated by obtaining a certificate (Rampey et al., 2016). These compounded difficulties, coupled with racism, would continue the cycle of disadvantages in employment following release (Pager, 2003; Varghese, Hardin, Bauer, 2009). Relatedly, in an empirical investigation, researchers found that employers were less likely to call back Black men with a criminal record than their White counterparts, all other factors being equal (Pager, 2003).

Undocumented Immigrants

Immigrants comprise one of the fastest growing populations in the United States. It is estimated that 50% of U.S. foreign-born individuals are from Latin America (U.S. Census Bureau, 2017). A widely used term to describe immigrants who live in the United States without permitted admission by the government is *undocumented*. Research suggests that the intertwining of the criminal and immigration systems has led to a two-tiered system that systematically disadvantages undocumented immigrants (Stumpf, 2006). Individuals of Mexican heritage who are within federal prisons for offenses related to immigration increased in the years 1994 to 2010 from 2,074 to 17,720 (U.S. Department of Justice, 2013). In fact, arrests for offenses related to immigration (e.g., undocumented entry, smuggling others) currently surpass all other offense types and account for 50% of arrests by the federal government (Gramlich & Bialik, 2017). The disproportionate numbers of offenses related to immigration worsened in spring 2018 when the U.S. Attorney General and Homeland Security Secretary enacted a policy of arrest and apprehension of all persons seeking to enter the country illegally, including individuals presenting themselves to immigration officials seeking asylum (Moore, 2018;

Pham, 2018). This policy also led to the separation of children from their parents at the border, although this portion of the Homeland Security policy was contested by the American Civil Liberties Union in the summer of 2018, with the courts ruling that families could not be separated, and separated families needed to be reunified (see Thompson, 2019). Regarding the former policy of separating families, whose effects are still being felt, it is important to explore the relationship between immigration and correctional detainment. In the next section, we discuss detention as it pertains to undocumented immigrants and unaccompanied minors.

Pertinent history, demographics, and legislation. A basic historical understanding of immigration laws and trends is foundational to understanding the current state of government conditions relevant to undocumented immigrants. The U.S. Immigration and Nationality Action of 1965 represented a move from national immigration quotas toward a preference for immigrants who presented with desired skills and family reunification. This act eliminated the discriminatory quota system by removing national origin, including ancestry, to deny immigration to the United States. However, the Act retained restrictions about the number of immigrants who could come from different regions of the world, with more stringent restrictions placed on countries in the Eastern hemisphere. The Act also created a seven-category preference system still used today, and gives priority for immigration to relatives of U.S. citizens and legally permanent residents as well as to professionals and other individuals with specialized skills. However, the Act placed the first immigration cap on individuals from Latin American countries, including Mexico, which resulted in what many consider an unachievable naturalization process for Latin American immigrants (Ewing, 2012).

In 2017, the Pew Research Center reported that 10.5 million undocumented immigrants were living in the United States (Krogstad, Passel, & Cohn, 2019). Data on the nationality of undocumented immigrants indicate that the majority were Latinx individuals (Krogstad et al., 2019). Therefore, we will primarily explore issues relevant to Latinx undocumented immigrants.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 increased the number of undocumented immigrants detained and expanded the types of crimes for which those who are not citizens could be deported. The Immigration and Customs Enforcement agency was developed after September 11, 2001, in the Department of Homeland Security to enforce the Act and oversee increased detention and deportation activities. Recent federal (e.g., section 287 [g] agreements of the Illegal Immigration Reform and Immigrant Resposibility Act) and state legislation (e.g., in Arizona,

California, Georgia) placed the enforcement of immigration policy in the hands of the local law enforcement (Hacker et al., 2011). Other state legislation attempted to expand law enforcement personnel's role in deportations. For example, California Proposition 187, which was later deemed unconstitutional and was overturned in federal court, required publicly funded health care facilities to not provide care but instead report to the government, any undocumented immigrants who sought care (Dwyer, 2004). This legislation contributed to xenophobia, an unwelcoming health care environment, and native-born citizens' fears that trying to receive services may lead to detention for undocumented family members (Hacker et al., 2011). Amidst the heightened xenophobic environment, recent federal immigrant programs such as the Criminal Alien Program and Secure Communities granted immigration officials authority to identify those who are not citizens in local jails and transfer them into federal immigration custody upon their release from jail (Chacón, 2012). This increased focus on detaining and deporting undocumented immigrants occurred despite research demonstrating that immigrants do not commit crimes at higher rates than those who are native-born (e.g., Chacón, 2012).

Undocumented immigrant adults. On Thursday, June 7, 2018, it was announced that approximately 1,600 immigration detainees would be sent to federal prisons, marking the first time federal prisons would be used for such a large number of immigrants (Lynch & Cook, 2018). The policy to arrest and detain undocumented immigrants expanded the need for more prisons. The increase in "crimmigration" (Stumpf, 2006) policies over the last decade has significantly extended the jail stays of undocumented immigrants in locations where Immigration and Customs Enforcement detainers are honored. Specifically, local law enforcement agencies increasingly comply with requests by Immigration and Customs Enforcement that ask for information about a person who is about to be released from custody, or ask that the local agency hold the detained person for a longer period of time to facilitate that person's deportation, regardless of whether the undocumented immigrant has any criminal charges or convictions (Beckett & Evans, 2015). Additionally, these programs also led to a higher number of Latinx being detained, most of whom had not been convicted of serious crimes, had no prior criminal records, and did "not pose serious security risks to the community" (Beckett & Evans, 2015, p. 253). Research suggests that undocumented immigrants are more likely to be incarcerated with longer sentences than citizens (see Iles & Adegun, 2018). Immigrants also experience negative stereotypes and stigmatization, which may further exacerbate unjust practices in the justice system (APA, 2012).

Undocumented, unaccompanied immigrant minors (UUIM). Between October 1, 2015, and August 31, 2016, the U.S. Customs and Border Patrol apprehended nearly 55,000 undocumented, unaccompanied immigrant minors at the border of the southwest region of the United States (U.S. Customs and Border Protection, 2016). UUIM cross the border into the United States to afford themselves and their families a better future (Aldarondo & Becker, 2011; Becker Herbst et al., 2018). UUIM have reported taking a perilous journeys characterized by extreme hunger and thirst, physical injuries, illness, risk of physical harm, and poor treatment from immigration officials (Becker Herbst et al., 2018). Youth who enter the U.S. immigration system are held in custody by the subsidiary agencies of the U.S. Department of Homeland Security. In addition, within the Immigration and Customs Enforcement agency, Enforcement and Removal Operations can apprehend youth who have not entered the system but are suspected of violating immigration law. Through either pathway, the youth is placed in the custody of the Department of Homeland Security.

As a next step, most UUIM are transferred to the Office of Refugee Resettlement and placed into detention facilities to await their immigration process outcome (Menjívar & Perreira, 2019). While waiting, many youth are placed in short-term holding cells called *las hieleras* [the freezers] for up to two weeks (Becker Herbst et al., 2018; Jones & Podkul, 2012). These facilities may be so overcrowded that youth have to take turns lying down on the concrete floor. Most youth report having inadequate food and water, enduring frigid temperatures, and lacking access to bathing facilities. Many youth report experiencing excessive physical force, having belongings taken away, and being subjected to racial slurs (Jones & Podkul, 2012).

Particularly vulnerable youth (e.g., under 13 years of age) are typically placed in foster care (Menjívar & Perreira, 2019). The remaining youth are placed across the country in shelters that are given the responsibility to comply with federal law in the care and supervision of immigrant children (National Immigrant Justice Center, 2013). Secure care shelters are used for youth with violent offenses or those who are a threat to self or others. Staff-secure care shelters are used for children with a history of nonviolent crimes or those who pose a risk to run away. Youth with no prior criminal justice involvement are placed in detention shelters, the least restrictive environment. Detention may last one day to over two years, but typically lasts two months (Byrne & Miller, 2012). Approximately 65% of youth within the Office of Refugee Resettlement are reunified with a sponsor, often a parent in the United States. When a parental sponsor is not possible, youth are released to a legal guardian, adult relative, or another approved individual. Youth may try to seek asylum, receive special immigrant juvenile status under visas for abused youth

or victims of human trafficking, or voluntarily repatriate themselves (Byrne & Miller, 2012).

Physical and Mental Health Consequences of Incarceration and Detention

For at least some people, physical and mental health might be neglected once detained (Wilper et al., 2009). An analysis of national data of inmates in jails as well as state and federal prisons found that over 30% of those in prisons and over half of those in jails had not taken medication for mental health conditions upon incarceration (Wilper et al., 2009). For those with physical health symptoms, over 20% of those in prison and over 35% of those in jails stopped taking medications for physical symptoms upon incarceration; after a serious physical injury, 7.7% of federal prisoners, 12% of state prisoners, and 24.7% of jail detainees did not see medical staff (Wilper et al., 2009). People who are incarcerated are much more likely to be at risk of suicide than the general population (see Fazel, Hayes, Bartellas, Clerici, & Trustman, 2016).

Prisons can be especially dangerous for vulnerable populations. For example, juveniles sentenced as adults and sent to adult facilities are at higher risk for sexual assault by an adult prisoner than those not sentenced to adult prisons (National Prison Rape Elimination Commission Report, 2009). Transgender individuals face higher rates of abuse in prison than their cisgender peers, and transgender People of Color report higher levels of abuse than their White counterparts; those incarcerated also had worse health than those who had not been incarcerated (Reisner et al., 2014).

A systematic review of the influence of immigration policies on the status of undocumented immigrants found that these policies were associated with lower access to health services and an increase in depression and anxiety (Gonzales, Suárez-Orozco, & Dedios-Sanguineti, 2013). Legislative and procedural changes related to undocumented immigrants may be associated with undocumented immigrants' increased risk of violence in their homes and communities, as they are less likely to seek police protection when experiencing domestic and community violence (APA, 2012; Menjívar, 2006). UUIM especially lack resources to ameliorate these stressors, given that seeking social support within the cultural community can be difficult as it may risk disclosing immigration status (Gonzales et al., 2013).

From the literature provided thus far, it is clear that there is injustice in the justice system, particularly for People of Color. An unjust system, however, does not mean that those working within the system are unjust or unwilling to change. Further, given that some laws and policies may not have been developed primarily with racist intent (e.g., Stand Your Ground laws), at least

some of the injustice may be the result of a lack of awareness that actions may be leading to divergent outcomes for People of Color. Justice reform is supported by a diverse array of people, including individuals who are racially diverse and from diverse political backgrounds. This can be seen by the passing of the First Step Act of 2018 (Public Law No. 115-391) under the Trump Administration, which received bipartisan support and is an important step in justice reform. Therefore, in the next section we encourage counseling psychologists to work toward justice reform, including partnering with various justice system entities.

Counseling Psychology Framework for Justice System Advocacy

As mentioned previously in this document and illustrated in Table 1, counseling psychologists are well-positioned to tackle the challenges of justice reform. Equipped with the knowledge and skills of the field, including research, advocacy, and the ability to teach, counseling psychologists can be part of generating knowledge, developing policy, and training others. This section describes practical ways counseling psychologists can help reform the justice system and describes some of the challenges as well.

Generate Knowledge

Counseling psychologists' training in research methods and data analysis enables them to conduct robust research relevant to promoting justice in the justice system. Such research includes the root causes of offending behavior, ways to reduce biases in the justice system, strategies to enhance protective factors, and evidence-based methods to decrease societal problems associated with justice system involvement. This section covers several potential research areas and challenges.

Policy-relevant research. Research can form a basis for policy by studying the societal issues that policies are intended to address, as well as by investigating the assumptions underlying policy decisions. To enhance impact, counseling psychologists can conduct research with clearly delineated implications for policy. Relatedly, research can help fill the knowledge gaps about how to reduce bias in the courts. For example, a quasi-experimental study involving the death penalty found that providing simple juror instructions and ensuring that the jurors were a racially diverse group resulted in less bias against Black defendants (Shaked-Schroer, Costanzo, & Marcus-Newhall, 2008). Research can also bolster advocacy efforts by expanding the evidence base for humane

policies. For example, preliminary research supports the benefits of alternative courts, such as mental health and drug courts, for People of Color. Access to such courts could promote treatment, which may be more beneficial rather than default sentencing such as detainment (Subramanian, Riley, & Mai, 2018).

Evaluation of interventions, policies, and practices. Counseling psychologists can apply research skills to evaluate implementation of policies and practices within the justice system. Research and evaluations by counseling psychologists could assess the effectiveness of programming as an empirical question. This could encourage the development of alternatives to detention that advance public safety and reduce recidivism. For example, research using a randomized design to evaluate the effectiveness of correctional programs could elucidate which correctional programs work better than others and why. Given the lack of attention to culturally responsive programming (Bonta & Andrews, 2017), questions could focus on the development of culturally competent correctional programs. Counseling psychologists could also test the effectiveness of existing culture-specific programs in order to strengthen them and expeand their implementation. A starting place for this research may be the creation of partnerships between counseling psychologists and correctional agencies, with an emphasis on analyzing existing data to evaluate the effectiveness of current programming for People of Color. Further, restorative justice programs are gaining more attention, but there is not enough evidence of their effectiveness. Thus, research in this area is also warranted.

Investigate experiences of those affected by injustice. Counseling psychologists' competence in research methods associated with empowerment, such as community-based participatory research, aligns directly with these aims. Furthermore, extant counseling psychology research can provide insight into how sociopolitical forces influence the physical and mental health of oppressed groups.

Given CRT's emphasis on understanding perspectives of People of Color, qualitative research that explores the phenomenological experiences of People of Color can contribute meaningfully to justice reform. Counseling psychology research could help fill gaps in understanding the unique experiences of individuals in the justice system, such as the unique pathways of Girls of Color who interact with this system (Krisberg, 2018).

Research may also focus on school personnel's interactions with at-risk youth, with the aim of preventing juvenile justice system involvement. Counseling psychologists can provide valuable expertise to schools and form research partnerships that can be a fruitful way to combat structural issues for

youth at risk of justice involvement. For example, partnerships between researchers and schools may address one of these structural issues, school dropout. In this effort, goals might include (a) identification of reasons students are not graduating (Jacobson, 2018), and (b) data collection with the aim of developing a program focused on academic success (University of Central Arkansas, 2018). Research has shown that school engagement, attendance (Blomberg, Bales, & Piquero, 2012; Li & Lerner, 2011), and academic success (Hoffman, Erickson, & Spence, 2013) are associated with less delinquent behavior.

Consistent with CRT's approach to understanding the unique narratives of People of Color, qualitative research that allows for the phenomenological understanding of the experiences of transgender Women of Color who have been incarcerated can provide valuable insight into the development of policies relevant to making correctional facilities safer for this population. Through accurate understanding of offending behavior from the perspective of offenders, policy makers and providers can more effectively implement systemic changes. As stipulated by the APA's *Multicultural guidelines: An ecological approach to context, identity, and intersectionality* (2017), psychologists are to take a "strength-based approach when working with . . . groups, communities and organizations that seek to build resilience and decrease trauma within the sociocultural context" (p. 188).

Study Public Perceptions and Attitudes That Perpetuate Injustice

Counseling psychology expertise regarding measurement of explicit and implicit attitudes can be useful in gathering information regarding public perceptions of law enforcement and of people who are disproportionately disadvantaged in the justice system. The National Institute of Justice (Klockars, Ivkovich, Harver, & Haberfeld, 2000) released a report on the blue code of silence, or the reluctance of police officers to report misconduct of fellow officers, and revealed that most police officers would not report less serious cases, but were more likely to report more serious cases. One way to reduce such codes of silence is to mandate agencies to report (Rothwell & Baldwin, 2007). Investigating police perceptions and attitudes toward the public may be one way to identify areas of potential bias that would benefit from intervention. In addition to quantitative research, public perception surveys require varied research methods and paradigms to avoid reinforcing the status quo. For example, studying police perceptions of Black community members may require an ethnographic approach to reduce participants' tendency to respond in a socially desirable manner. Observing behavior in the field

allows for the triangulation of data. Furthermore, the examination of how racially marginalized community members perceive police presence in their neighborhoods may require a critical research paradigm to represent the unspoken power dynamics inherent in police–community interactions.

Another approach to studying perceptions aligns with the strengths-based value of counseling psychology. Research that invites community members to describe an ideal relationship between law enforcement and their community rightly assumes that members of marginalized communities offer a crucial perspective upon which to evaluate policies and practices that may be most effective. These findings can be used to draft recommendations for local law enforcement agencies.

Generating Knowledge: Challenges and Strategies

There are numerous challenges counseling psychologists may encounter when conducting research and evaluation related to the justice system. First, many counseling psychologists may not have considered ways in which their research interests and skills are relevant to the justice system. Ideally, the ideas presented in this article may help develop or apply a research program to address relevant questions and concerns. A significant strength is that counseling psychologists are trained in a variety of research designs and analytical procedures that are quite relevant to answer questions involving the justice system; therefore, preparation of counseling psychologists in community-based participatory research, qualitative research, program evaluation, survey research, and experimental design are all relevant. Considering the needs of the community and developing research questions that can intersect with our individual research programs, may be fruitful to the community, advance our research, and promote systemic change—a powerful combination. Beyond the commitment and skills to conduct research relevant to the justice system, funding may be needed to carry out these studies. Fortunately, there are funding agencies that support this research, such as the National Institute of Justice.

One considerable research challenge is to access the systems, individuals, and communities of interest. Gaining inroads in law enforcement agencies to conduct research that may represent these agencies in an accurate, but perhaps unfavorable, light is difficult. Establishing relationships that are mutually beneficial, such as being willing to provide a service (e.g., training) for law enforcement officers in exchange for access, may be one way to open the door for ethical, critical research. Finally, marginalized communities are often the focus of research studies in a way that does not honor their worldviews or provide any benefits. Similar to the recommendation for relationship building with law

enforcement, establishing ongoing connections with marginalized communities and providing valuable services (e.g., outreach, consultation, advocacy) to them may be one way to enhance recruitment for public perceptions research.

Interpret and Disseminate Knowledge

Counseling psychologists are well-positioned to interpret research and to disseminate knowledge gained through systematic inquiry. They may use their competence in education and training to influence the justice system infrastructure through a number of mechanisms, described next.

Share knowledge with policy makers and courts. Counseling psychologists can share knowledge through various mechanisms, including lobbying and writing or supporting amicus briefs. Central to CRT, counseling psychologists can directly engage with the public and policy makers by educating them about institutional racism and bias within the laws and courts, by training justice system personnel to prevent and reduce the use of force, and by promoting cultural competence. Counseling psychologists may also engage in advocacy through formal networks such as the Society of Counseling Psychology and APA, focusing on effective collaborative efforts to change laws and policies. As noted, the United States has enacted a policy of separating children from their families in the name of "deterrence" at border crossings (U.S. Department of State, 2018). In response, numerous organizations, including the Society of Counseling Psychology, joined together in the development of an additional statement that further underscored the pernicious health effects of this policy on children and families ("Joint Public Statement by Psychology Groups on U.S. Immigration Policies and Practices", 2018). Such collaborative efforts may contribute to policy change.

Considering the effectiveness of multisystemic interventions in preventing and reducing juvenile justice involvement (see Bartol & Bartol, 2017), transforming oppressive systems in schools and neighborhoods is critical, as is advocating for more financial, educational, and health care resources that enable parents to promote the well-being of children and families. For example, counseling psychologists can advocate for policies that provide vouchers for families in impoverished and unsafe neighborhoods, such as neighborhoods with structural issues such as lead exposure, to connect families with better housing (Robinson et al., 2015). Such transformations would allow for greater contextual supports, including prosocial peer groups, which can serve as a protective factor against juvenile justice involvement for boys and girls (Bartol & Bartol, 2017; Bonta & Andrews, 2017).

Counseling psychologists can work at state and federal levels to promote policies that ameliorate disparities in detention and incarceration. One innovative policy in the state of Iowa requires "Minority Impact Statements" (Bonnie et al., 2013) of every organization that applies for a state grant, and requires applicants to enact various safeguards to prevent bias and discrimination. Specifically, the state requires a discussion of (a) how the program will disproportionately influence minorities; (b) reasons for why this disproportionate impact is necessary; and (c) "evidence of consultation of representatives of minority persons in cases where a policy or program has an identifiable impact on minority persons in this state" ("Grant Applications — Minority Impact Statements," 2018, p.1).

Finally, given that community-based interventions are the most effective in reducing recidivism according to best practices in corrections (Bonta & Andrews, 2017), counseling psychologists can also play a key role in advocating for laws and policies that employ community-based methods of rehabilitation that reduce recidivism. At the juvenile level, such policies resulted in detention center closures, including the reduction of Latinx populations detained in juvenile detention centers (Bonnie et al., 2013). Policies advocating for community-based programs may focus on specific subpopulations, such as youth who would benefit from additional mental health care or basic resources instead of placement in a juvenile detention center (Bonnie et al., 2013). For example, Conneticut passed a law in 2007 to stop detention for status offenders (e.g., runaways) and instead provide them with alternative treatments; the law also prohibits individuals younger than 18 to be tried as adults (Tow Youth Justice Institute, 2017). These reforms have led to decreases in recidivism (Tow Youth Justice Institute, 2017). Counseling psychologists can join advisory committees and state and local task forces to provide guidance in matters such as these.

Professional Development and Consultation with Justice System Employees

Counseling psychologists can disseminate accurate information, counteract psychological barriers to justice, and cultivate skills among justice system employees. Those who work in or with the justice system may benefit from increased knowledge about bias. Counseling psychologists with requisite expertise could provide training to judges, jurors, and attorneys, on relevant topics such as the nature of implicit bias, ways to overcome implicit bias, and ways to optimize fairness in jury decision-making. Given the often unconscious nature of bias, efforts to counteract biases that may affect sentencing

are warranted. Some possible solutions include auditing of court decisions, teaching mindfulness meditation to court personnel, and providing evidence that does not agree with preconceived notions (Wistrich & Rachlinski, 2017). Also, given the aforementioned findings of bias (Levinson et al., 2017), judges might consider how they might sentence a person if that person were from a different background (Wistrich & Rachlinski, 2017). For example, when sentencing a Black male defendant, judges might consider how the sentence might differ if the defendant were White. This may be important for both White and non-White judges, as racism can be directed toward other groups or internalized toward one's own group (David, 2013). To the extent that the life circumstances of those being sentenced differ from the judges' experiences, such perspective taking could reduce bias experienced by marginalized communities. These efforts would dovetail with counseling psychologists' competence in cultural issues, including their expertise in the development of self-awareness of biases, and knowledge and skills in working with diverse populations.

Diversity training for law enforcement. Because disproportionate use of force and other biased behaviors tend to be directed against certain minority populations (e.g., Swaine & McCarthy, 2017), an important mechanism for improving the justice system is the preparation of law enforcement personnel to interact fairly with marginalized people. Promising work in the arenas of implicit bias and fair and impartial policing advance efforts to curb law enforcement personnel's role in escalation of conflict and use of deadly force (Fridell, 2017). Diversity training for law enforcement personnel has often focused on the development of concrete behaviors such as intercultural communication (e.g., Cornett-DeVito & McGlone, 2000) and affirming tactics (e.g., Israel et al., 2016). Intercultural communication includes skills when working with diverse populations, including expression of empathy and the ability to adapt to others' needs (Cornett-DeVito & McGLone, 2000). Across the varied training content, trainers must understand and attend to the context of law enforcement personnel's experiences, concerns, and organizational culture, as well as account for local and national attention on law enforcement personnel's treatment of marginalized individuals.

Law enforcement officers may further benefit by understanding interactions with marginalized communities in the context of historical and societal oppression. They need to earn trust and respect from Communities of Color, appreciating that the historical role of law enforcement in upholding laws has been used to enforce enslavement, Jim Crow laws, internment, and anti-immigration agendas. Even Officers of Color may still be viewed suspiciously in their work, although some research suggests diverse police forces are less likely to use deadly force (McElvain & Kposowa, 2008).

CRT and theories of internalized racism (Jones, 2000) suggest people across all racial backgrounds are socialized to view People of Color as having less worth and power than Whites. Thus, officers trained to enforce policies that enact paternalistic surveillance of People of Color may even subconsciously perceive Whites as less likely to commit crimes and more likely to have the power to successfully hold People of Color accountable. Therefore, specific training that requires officers to discuss and process prejudiced messages and stereotypes can make visible biased assumptions, and enable officers to replace them. These stereotypes could be replaced with messages about community strengths, thus making it less likely for officers to act more violently toward People of Color (James, Fridell, & Straub, 2016).

Law enforcement officers will become engaged through the provision of training that they perceive as relevant and effective (Coderoni, 2002). Recommended approaches for diversity training include the use of simulations, group exercises and problem solving scenarios, case studies, and minilectures; and the provision of job-relevant information (Birzer, 1999; Cornett-DeVito & McGlone, 2000). It may be particularly effective to have officers serve as trainers using a team-teach approach, with trainers representing different organizations (Hennessy, 2001).

Rich opportunities exist for counseling psychologists to partner with the courts for training. Counseling psychologists can train those who work in corrections on strategies to decrease bias in assessment and placement. For example, parole and probation officers can be taught that some assessment questions can be culturally biased and that not adhering to some majority cultural norms does not necessarily indicate deviance. Helping parole and probation officers develop cultural competence skills may enhance rapport with juveniles in corrections and lead to better outcomes. For example, a study of 109 people on parole found that parolees who viewed their parole officers as caring and trustworthy were less likely to be rearrested (Kennealy, Skeem, Manchak, & Louden, 2012).

Empower Communities With Knowledge

Advocacy for justice system reform can occur at various levels and at different points in the process. In the same way that legal clinics in law schools offer pro bono representation and trial preparation, counseling psychology graduate training clinics can offer counseling and preparation for managing the challenges of dealing with members of disenfranchised groups in the criminal justice system. Advocacy can occur through partnerships with local NGOs and local government as well as with affiliations with local offices of national organizations. For example, the Immigrant Children and Legal Services Partnership in South Florida, an organization with which counseling

psychology faculty and students have partnered, employs "an integrated, child-centered model of expert legal counsel and advocacy, trauma-oriented mental health services, resilience-building youth development programming, and professional development of staff caring for UUIMs in local detention facilities" (Aldarondo & Becker, 2011, p. 2010). Counseling psychologists could advocate for each of those dimensions. The more diverse the coalition representing multiple constituents, the greater the credibility to support the change ("Community Toolbox: Learning a Skill", 2018). Challenges for counseling psychologists will be to influence outcomes through advocacy based on empirical support and on implementing professional values, without taking on a deliberately partisan approach.

For People of Color with a criminal background, obtaining job qualifications could reduce some employment barriers (e.g., Varghese, Hardin, & Bauer, 2009). Davis et al. (2013) of the RAND Corporation found that participation in prison education programs decreased probability of recidivating by 43%. Access to a college education can further increase job acquisition, but one barrier to college education is a 1994 federal law that denies people who are incarcerated from receiving Pell Grants (Olivas & Jones, 2017). Counseling psychologists could advocate for reinstating access to Pell Grants and other sources of educational funding for those who are imprisoned. After release, this education can allow these same individuals to give back to their communities in various ways, including their payment of taxes as a result of employment.

Inform the Public

Counseling psychologists are uniquely prepared to engage in leadership roles given their training in understanding human behavior, ability to work with diverse populations, and competence to listen and build rapport. Serving in these capacities can situate counseling psychologists in a position where they can serve as a potent force toward transforming unjust laws and policies (Varghese et al., 2017). Nationally, counseling psychologists could provide leadership in diverse settings, such as holding positions in public policy organizations focused on changing unjust policies. Counseling psychologists could contribute to these entities by harnessing their training in research with diverse and marginalized communities, their ability to critically evaluate information, and their social-justice focus to inform public policy and influence national discourse. For example, counseling psychologists can influence the conversation surrounding immigration policy by providing the public accurate information about Latinx immigration, thereby dispelling xenophobic assumptions and stereotypes (see APA, 2012). Specifically, psychologists

could provide evidence that undocumented immigrants of Latinx origin often immigrate to the United States to flee violence, obtain an education, become financially stable, and support others (Aldarondo & Becker, 2011). Such initiatives can provide evidence to promote an authentic understanding of the immigrant experience and promote empathy.

Counseling psychologists could also use their voice to inform the public regarding the connection between macrolevel and microlevel implications of inequitable treatment (Toporek & Daniels, 2018). For example, commercial sexual exploitation is inextricably linked to issues of social injustice (APA, 2014). The detrimental impact of structural inequality must be acknowledged in order to gain a deeper and more accurate understanding of commercial sexual exploitation. Counseling psychologists can aid policy makers and providers in more effectively responding to the needs of CSEC by attending to systemic power dynamics that further disenfranchise vulnerable youth. Such exposure may demonstrate that dehumanizing methods (e.g., treating victimized youth as delinquent) run counter to the espoused U.S. values of justice, equity, and human rights.

Interpreting and Disseminating Knowledge: Challenges and Strategies

Counseling psychologists may lack the time, resources, or knowledge to effectively disseminate policy-relevant research. Whereas counseling psychologists may be familiar with preparation of research findings for professional journals and conference presentations, they may be less equipped to write white papers, craft op-ed articles, collaborate with community members, and provide training for nonpsychologists.

Advocacy training can help counseling psychologists increase their effectiveness in sharing knowledge with policy makers. A focus on competencies related to therapy may limit training programs' inclusion of didactic and experiential training on advocacy and the legal system, as the latter is not a requirement of profession-wide competency in the APA Standards of Accreditation (APA Commission on Accreditation, 2018). Doctoral programs may work to incorporate these topics into their coursework or practica; however, it requires effort to structure and sequence advocacy within required competencies as outlined by the Standards of Accreditation. To address these gaps, the APA's *Legislative Issues and Advocacy Training Tools* website provides resources on effective advocacy strategies with webinars and training modules (APA, 2018b). Further, the Society of Counseling Psychology, Society for Community Research and Action, Society for the Psychology of Women, and Society for the Psychological Study of Culture, Ethnicity and

Race collaborated to create an additional training tool kit titled *Community Advocacy: Training Psychologists to Act Locally* that presents different strategies to change policy at various levels of government (APA, 2018a).

Another challenge to effectively engaging in advocacy is the capacity to devote sufficient time and energy to be an effective advocate, while balancing other professional roles. It takes time and effort to develop trusting relationships with community members and inform the public, and patience to see the results.

Finally, a challenge is that the effectiveness of training can be limited. According to the Federal Judicial Center, research has shown that implicit bias training has helped reduce implicit preferences a person has toward a particular group, particularly preference for Whites over Blacks (Federal Judicial Center, 2019). However, they report that the effects of the training may last for just a couple of weeks, and may not be long-term. This indicates that training may need to be continuous and not simply a one-time event.

Take Action Based on Evidence, Skills, and Values

Policy-making. Counseling psychologists can play a role in influencing public policy. Participating in APA Congressional Fellowships or other national fellowships can enable counseling psychologists to engage in policy-making. Further, counseling psychologists can run for various local, state, and national offices. Psychologists who previously worked in academia have been elected to the U.S. House of Representatives (e.g., Alan Lowenthal, Judy Chu), and psychologists with law degrees have served as judges (e.g., Michael O. Miller; see Skaggs, 2019).

Even nonelected positions can help make policy. Among the most courageous acts of leadership are nonviolent protests and civil disobedience to unjust laws, often leading to changes in these laws. Such leadership has been the mark of transformational leaders such as Gandhi and Martin Luther King, Jr., who, even in the face of brutal injustice, led nonviolent protests by refusing to comply with unjust laws. Counseling psychologists' core values of social justice and diversity allow for such a transformational leadership style (Varghese et al., 2017), particularly in light of immoral, unjust, and unconscionable laws and policies. Today, nonviolent resistance might occur in the form of outreach to undocumented individuals and the provision of mental health care or sanctuary (Fournier, 2018). Modern examples of civil disobedience include German pilots who refused to deport asylum seekers (Fournier, 2018) and the action of former Attorney General Sally Yates who refused to support the travel ban against individuals from Muslim countries, detailing this ban's violation of the U.S. Department of Justice's values (Chakraborly, 2018).

Protests of psychologists' participation in torture reflects leadership of counseling psychologists in taking a stand for their principles by questioning authority and refusing to compromise with policies that conflict with professional values regardless of possible deleterious consequences.

Advance Implementation of Evidence-Based Practice

Consultation. The training of counseling psychologists includes preparation for serving as consultants to legal and legislative systems, governmental entities, and human service organizations. In these consulting roles, counseling psychologists can advance development and implementation of evidence-based programs to reduce disparities. Therefore, to promote procedural and distributive justice, counseling psychologists can partner with social entities such as schools, probation and parole agencies, judges, juvenile detention centers, and immigration detention centers, to make changes within these agencies.

Counseling psychologists can support school staff in disrupting the school-to-prison pipeline. For example, one university partnership between a doctoral program in school psychology and a school district is focused on prevention and intervention, such that middle school students have a greater likelihood of positive outcomes in academics, behavior, and social and emotional development (University of Central Arkansas, 2018)—factors associated with lower delinquent behavior (Li & Lerner, 2011). Such partnerships may address risk factors by helping staff engage in positive strategies to change behavior, provide an emotional regulation curriculum, and create a supportive and trusting environment that mitigates individual and societal risk (Bonta & Andrews, 2017).

Counseling psychologists can advocate for appropriate programs for People of Color, including women and girls, as well as transgender youth and adults. This includes ending the detention of girls who run away (Krisberg, 2018) and advocating for the provision of alternative interventions relevant to gender. Detention centers, prisons, and U.S. community corrections need to improve their treatment of minority populations (National Center for Transgender Equality, 2018). For example, policies continue to be erratic towards gender minorities, with the current policy now indicating that biological sex will be used to initially determine where the transgender person will be assigned (U.S. DOJ Federal Bureau of Prisons, 2018). Although U.S. DOJ Federal Bureau of Prisons (2018) has indicated that it will work to mitigate risks, the transgender community had noted that this will increase the risk of sexual assault of transgender persons in prison (National Center for Transgender Equality, 2018). Further, racial minorities with some of the lowest academic and work achievements appear to be some of the least likely to

obtain training and work experience in prisons (Rampey et al., 2016). Finally, in a study using surveys and interviews with 65 professionals and staff in the juvenile system, 63% reported that they were not aware of diversion programs culturally competent to LGBT youth (Majd, Marksamer, & Reyes, 2009). Yet, programming tailored to the needs of diverse groups can be helpful in rehabilitative efforts. For example, culturally competent interventions for the indigenous Maori of New Zealand, such as involving family and Maori cultural values, are used in reentry efforts (Richards-Ward & McDaniel, 2007). Such interventions are in line with correctional best-practice principles of responsivity to individual differences (Bonta & Andrews, 2017).

Evidence-based practice. Counseling psychologists can advocate for courts to implement evidence-based practices, such as effectively conducting risk assessments to place youth in appropriate settings. This would be important to ensure that high-risk youth receive the most intensive services, such as detention, but low risk youth do not receive such intensive services, which might be harmful to them (Bonta & Andrews, 2017). Arkansas requires all juvenile courts to use risk assessments in order to place only those youth who are at high risk in a detention center, consistent with evidence-based practices that include reducing detention of low-risk youth (Arkansas Act 189, 2019). One juvenile court judge noted that a court partnership with universities created alternative programs instead of detention for lower risk youth (KATV News, 2017). Further, counseling psychologists could work with the courts to encourage partnerships with schools to provide mediation for troubled Youth of Color. For example, juvenile courts in one county partnered with a school district to have a mediator intervene in discipline cases in schools, to ensure that poor behavioral issues do not escalate toward arrest and court referrals (personal communication, Attorney Chastity Scifres, October 12, 2018).

Crisis intervention teams are another practice for which counseling psychologists can advocate and help implement. In several recent high-profile killings of People of Color by police and jail personnel, the victims had a mental health diagnosis. Crisis intervention is specifically designated as a critical training need, and mental health response training is often mandated (The President's Task Force on 21st Century Policing, 2015). The Memphis model of crisis intervention team (CIT) training is perhaps the most successful use of psychologists and other mental health workers in law enforcement officer's training (Compton, Bahora, Watson, & Oliva, 2008, Heilbrun et al., 2012). In the 40-hour training sequences for CIT, officers partner with local mental health and substance abuse treatment personnel in the local community to simulate situations in which officers respond to a call when a mental health crisis is occurring.

Counseling psychologists may identify and advocate for effective ways to address trauma experienced by law enforcement personnel. Police officers suffer from accumulated on-the-job traumatic stress and may develop classic symptoms of PTSD and depression. One study of police officers found that 16% of officers had depression, but the prevalence of PTSD was over 30% (Darensburg et al., 2006). Psychologists have worked closely with law enforcement agencies to provide officers with health-promoting activities such as wellness programs and critical incident debriefing (Chism, 2016).

There are some systemic mechanisms that can support counseling psychologists' efforts to advocate for evidence-based practices. One such tool is consent agreements. Almost all the consent decrees (i.e., agreements in the last 10 years between the U.S. DOJ and a local city or district to reform and monitor a law enforcement agency) under the oversight of the federal court have included provisions for robust increases in the training and oversight of training for police officers (e.g., *U.S. v. Cleveland*, 2015). Some agreements specifically require law enforcement personnel to implement policies, training, and accountability systems related to use of force, deescalation techniques, and strategies for working with individuals with a disability (e.g., *U.S. v. Cleveland*, 2015). Many of these provisions contain specific language for the inclusion of psychologists in the design, instruction, and oversight of new recruit training, as well as in-service training at least at the patrol-officer level. The consent agreements offer opportunities to become involved in community oversight of police agencies, but they have stirred up resentment among police union officials who claim that this will hinder their ability to do their job (Miletech, 2019). CRT anticipates this and warns against becoming involved while not attending to the efforts to resist accountability.

Counseling psychology's attention to strengths-based approaches can help to advocate for law enforcement personnel's training in diversity issues, given potential resistance from officers. Law enforcement personnel may be resistant to diversity training if they perceive this training is a consequence of wrongdoing; however, acknowledging existing culturally informed policies and tactics, while acknowledging what they are already doing well, may help officers be more open to advancing their understanding of marginalized groups (Israel et al., 2017).

Targeted Community Prevention and Intervention

Community collaboration. Counseling psychologists can promote distributive and procedural justice in equitable treatment by law enforcement personnel by establishing long-term partnerships with communities that are under high surveillance and overrepresented in negative police encounters.

Connecting with places of worship, community organizations, and disenfranchised community members, positions law enforcement officers to dismantle stereotypical biases through positive engagement. Additionally, counseling psychologists are well-suited to facilitate the process of recruiting community members to participate in training police academy members, staff and trainees, to provide community-aware, culturally relevant strategies for systemic change.

Counseling psychologists can utilize their skills to develop effective interventions to reduce and prevent behaviors that lead to the imposition of fines and fees. Such interventions might include processes to support individuals' successful compliance with sentencing (e.g., sending postcards with reminders about court dates to prevent the accrual of further fines; see Council of Economic Advisors Brief, 2015). This category of preventive public health approaches and initiatives to reduce recidivism can comprise another element of a research agenda.

Community trauma. Just as law enforcement officers experience trauma, marginalized communities who interact with them also experience trauma. Systemic heterosexism, ethnocentrism, and racism intersect with the traumas imposed on marginalized communities from law enforcement. These traumatic experiences result in race-based stress (Carter, 2007), minority stress (Meyer, 2003), or other identity-specific distress. Over time, a lack of combined systemic and individual intervention can lead to accumulated race-based stress (Clark, Anderson, Clark, & Williams, 1999) or racial trauma. Counseling psychologists can work in partnership with communities to address the impact of trauma, as well as to work collaboratively with law enforcement personnel to understand how community trauma may affect people's perceptions of, and interactions with, law enforcement personnel. Across the United States, communities are developing community crisis response teams modeled on the National Organization for Victim Assistance's (NOVA) Community Crisis Response training (NOVA, 2018). Members of the team are a diverse group of community volunteers who commit to responding to crises in their wider community (NOVA, 2018). Most major cities have some form of crisis response team that serves to provide healing to communities after a disaster. Crisis Response Teams often meet with organizations such as the Red Cross and the families that have been affected by the crisis. Currently, such teams are not standardized across communities and some argue for more standardization. After the recent shooting of a homeless man by the Los Angeles Police Department, psychologist Vickie Mays was one of the Los Angeles Mayor's crisis team members to respond (personal communication, August 2018).

Hargons et al. (2017) detailed strategies used by some counseling psychologists for actively intervening in various marginalized communities at the systemic, institutional, interpersonal, and individual levels. For example, after the shooting of Michael Brown in Ferguson, Missouri, counseling psychologist Jameca Falconer provided crisis intervention to community members experiencing distress (Hargons et al., 2017). The authors made additional recommendations about ways that counseling psychologists may seek to get involved. An important component of better mental health and behavioral outcomes is the ability to be a contributing member of society. Counseling psychologists could assist those on probation or parole find meaningful community service activities to fulfill probation requirements and to develop prosocial attitudes.

Helping the community can be difficult if one is not a member of the community and is seen as an outsider. Communities need to trust the person proposing to help. Consequently, it is important for counseling psychologists to establish their credibility within a community. Their planning for such work must include preparation time as well as relationship-building activities such as pro bono efforts and community preparedness activities. This requires developing relationships and time. Counseling psychologists who are interested in this work must be prepared to invest the substantial time and effort necessary to do it effectively. Further, helping communities heal from trauma is not easy work, and if counseling psychologists do not practice self-care, compassion fatigue and burnout can result. Self-care is essential. Some of these barriers can be overcome by working with a team of collaborators and partners and not letting the work consume a person. A primary tenet in crisis response is that it is work that cannot be reasonably undertaken alone. Developing an effective relationship with other crisis team members, perhaps even other psychologists, may be crucial to managing these requirements.

Universal Prevention and Intervention

Counseling psychologists can advocate for programs to help diverse populations cope with adversity and flourish in difficult circumstances. Community factors such as violence, poverty, lack of support in school, and neglect can contribute to the likelihood of interacting with the justice system (Bartol & Bartol, 2017; Bonnie, Johnson, Chemers, & Schuck, 2013; Krivo & Peterson, 1996). Minors who exchange sex for basic needs or drugs are often runaway and homeless youth; children who have been sexually, physically, or emotionally abused; and youth who are unable to find legitimate employment due to a lack of opportunity or education (Curtis et al., 2008). Counseling psychologists can advocate for systemic change to support the well-being of

youth and their communities by using information gathered through research initiatives to educate policy makers, law enforcement personnel, and school administrators to prevent the further exploitation of youth. Similarly, counseling psychologists could implement programs to ensure that families in marginalized communities receive additional support, because by strengthening the family systems of high-risk youth, their vulnerabilities may be mitigated, decreasing the likelihood that youth will engage with the justice system and increasing the capacity of families to respond effectively to adverse situations. Counseling psychologists can also provide educators and school administrators with training in order to provide students with culturally responsive and trauma-sensitive classrooms. Training educators in evidence-based interventions, including education as a pathway to reducing recidivism, can help youth graduate from school, develop more effective coping skills, and prevent them from further involvement in the justice system.

Taking Action Based on Evidence, Skills, and Values: Challenges and Strategies

Taking direct action to advance change is challenging, whether making policy, consulting, or intervening within community or public spheres. In each of these arenas, preparation, experience, credibility, and relationships can promote success.

Preparation for making policy can come in the form of psychology-specific experiences such as the APA Congressional Fellowships, as well as through participation in programs that are open to nonpsychologists, such as Empowered to Run. It is likely easier to change policy at local and state levels than at the federal level; therefore, getting involved in policies within a city and then moving to state or federal levels would be a realistic strategy. Examples of local offices are the city council, the local school board, or appointed boards and commissions. For example, one way that counseling psychologists can influence policy within correctional agencies is to be appointed to a correctional board.

In terms of consultation, not all courts or correctional entities may be open to working with outsiders. Therefore, it will be important to develop positive professional relationships within these systems. Relationships take time to develop, and reforming the justice system from a punitive to a rehabilitative model is a worthy endeavor to invest such time. People's hearts and minds have to change to see reforms, and counseling psychologists are aware that change happens in the context of building relationships with people to earn their trust.

Advocating for culturally tailored correctional programs is not easy when social or political forces are encouraging the creation of prisons for profit to mitigate budget shortages in state governments (Hillman, 2019). States with budget deficits may be tempted to accept millions of dollars from companies that operate private prisons (ACLU of Montana, 2017). The dissemination of knowledge and engagement in advocacy are key strategies to overcome such climates. Research and evidence that show the effectiveness of culturally tailored interventions in enhancing public safety as well as their cost-effectiveness can be helpful in advocating for culturally tailored correctional programs.

However, community action may be hindered by community members' systemic distrust due to unjust practices. Without access to these communities, advocates may merely speak for diverse people rather than amplifying their marginalized voices in the service of justice. Therefore, it is important for counseling psychologists to take the time and effort necessary to develop trust and strong collaborative relationships with individuals in marginalized communities. There is a considerable body of literature on community-based participatory research that offers guidance and strategies for relationship development.

It is important to have realistic expectations for outcomes of direct action. Implementing evidence-based practices is easier said than done. Counseling psychologists may face many barriers associated with attempting to implement change within large bureaucratic systems. It is inherent in the psychology of people that a natural tendency exists to resist change. The uncertainty related to whether positive outcomes will or will not be achieved can be challenging for mental health professionals. However, working with a team of collaborators and partners may increase the effectiveness of direct action by drawing on a range of skill sets and multiple circles of influence.

Vision: How Would These Actions Promote Justice in the Justice System?

Consistent with CRT's goal of social transformation, the primary goal of systems reform in laws and courts centers on reforming those laws that differentially target and punish People of Color and the poor, including individuals with intersecting marginalized identities. A reformed justice system would change laws and policies that demonstrate blatant disregard for less privileged individuals and their families. A reformed justice system would treat people equitably in court without showing partiality to the privileged. A reformed court system would stop charging fees and instead

focus on prevention, rehabilitation, and community well-being. Counseling psychologists can help to achieve these goals by advocating for equitable laws and policies, providing research expertise (e.g., demonstrating evidence for the effectiveness of preventive and rehabilitative programs), providing education and training for the courts to alleviate bias, and serving in leadership roles, including those roles through which they can help change unjust policies.

Goals of justice system reform in law enforcement include nonbiased policing that avoids the violent deaths of People of Color or intersecting identities of disability, gender normativity, and language diversity, especially during and after routine investigative encounters. Reform would result in well-trained, carefully monitored, and effectively supervised law enforcement officers who are able to accurately assess and manage encounters, preventing unnecessary escalation of force. Reform would result in a mentally healthy law enforcement workforce that uses evidence-informed strategies to appropriately and compassionately respond to situations. Finally, law enforcement personnel would earn the trust of diverse communities by demonstrating nonbiased policing and transparent examination of all encounters that result in injury or death to community members or law enforcement (The President's Task Force on 21st Century Policing, 2015). In addition, beyond reform, more progressive approaches to addressing issues in the justice system may include dismantling the prison industrial complex and investing energy and resources in the development of preventive and rehabilitative programs to improve public safety. Counseling psychologists can help achieve these goals by applying their expertise in mental health, diversity, and community collaboration to the training and engagement of law enforcement personnel.

Consistent with CRT's focus on changing structural inequalities and counseling psychology's perspectives on prevention, justice reform could change the very structural inequities that lead to arrest and detention—including poverty, poor nutrition, school discipline, low quality educational experiences, and poor housing. For Youth of Color, this would mean distributive and procedural justice in the form of being treated with equity in schools and not be subjected to harsher punishment than their White peers. For adults who are incarcerated, effective reform would include the use of evidence-informed best practices in rehabilitation. A reformed system would not support exploitation and revictimization of People of Color, and would address the needs of especially vulnerable populations such as children and undocumented immigrants. Finally, a reformed system would incorporate initiatives to ensure those who leave the correctional system have the requisite skills for successful reentry into society.

Conclusion

Our goal for justice system reform is to have an equitable system that upholds the human rights and dignity of people regardless of background, and is consistent with U.S. ideals, as eloquently stated at the conclusion of the U.S. Pledge of Allegiance, "liberty and justice for all" (Independence Hall Association, 1995). This is an ideal yet to be realized—and many individuals' fundamental rights are still violated in the name of public safety. CRT would have us ask, "Public safety for whom?" Evidence is mounting that public safety increases with equitable justice; in turn, equitable justice relies on enacting rehabilitation strategies rather than overly harsh punishments (see Tow Youth Justice Institute, 2017).

Justice reform requires the very best of counseling psychology skills such as advocacy, research expertise, and relationship-building coupled with the highest ideals of the profession, including diversity and social justice. Together, counseling psychologists can be a powerful force for the transformation of the justice system. In this paper, we provided actionable strategies to transform unjust laws, biased courts, racist law enforcement, and disproportionately harsh detention. We believe counseling psychologists should use their expertise to achieve these reforms, a foremost human rights issue.

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