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Crime and Culture: Challenges Facing Law Enforcement

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Understanding cultural diversity can play a significant and positive role in the effectiveness of law enforcement in multicultural communities. This statement embodies the main concept of this article. Cultural diversity is a reality in most American communities today and the ability of law enforcement officers (LEOs) to maintain law and order in these communities is dependent upon their awareness of cultural behaviors. As first responders, LEOs often set the tone for cooperation or lack thereof with victims of and witnesses to crimes.

This article will present three cases that typify undesirable outcomes of LEO interventions based on cultural misunderstandings. The first two cases present an interplay between LEOs and culturally biased incidents. The final case will present an example of organizational lack of sensitivity to culture and crime.

Case 1 - During August 1999 a man from Tonga, a South Pacific Island, was arrested in California and charged with driving under the influence of kava, a relaxing elixir popular with Pacific Islanders. The Tongan male was driving erratically and admitted to being under the influence of kava. Kava is a beverage made from the root of piper methysticum, a species of pepper cultivated in the South Pacific to Hawaii. Kava, also known as kava kava and awi, is used by Tongans, Samoans and Fijians to relax the body while promoting mental clarity. It is also used for spiritual, medicinal and recreational purposes and to treat insomnia, phobias, edginess when quitting smoking, sore muscles, PMS, and menopausal symptoms. The effects of kava last about one to

two hours with no hangover. See the following Website for additional information regarding kava (www.kavakauai.com).

The Tongan requested a trial and charges were dismissed when the jury failed to reach a verdict. The court admonished the LEO due to his apparent lack of understanding a popular cultural tradition. This incident played a significant role in slowing the implementation of community policing strategies in this community and weakened support for the criminal justice system.

Case 2 - In May 2000 a young Vietnamese boy arrived at school after several days of absence with several burn-like marks on his back and neck. LEO was called and determined that the boy's father had applied heated coins to his back and neck. Based on their belief that the marks were indicative of child abuse, the LEOs arrested the father and placed the boy in foster care. The father reported that coining is a traditional Southeast Asian cure for a variety of ailments, and that his son had been treated for a serious respiratory infection. After several days the boy improved and returned to school.

Coining may be accomplished by coin rubbing, wind rubbing, pinching the skin, touching the skin with burning incense, or applying a heated cup to the skin. Each of these practices leaves an indelible mark on the skin.

A short time after being placed in protective custody, the boy relapsed and died of the original medical problem. When the father learned of his son's death, he committed suicide.

The issue now being debated is whether or not coining, a SE Asian cultural practice, constitutes child abuse under U.S. law. Regardless of the outcome of this issue, the initial responders were not aware of the coining tradition, and that lack of knowledge limited their response options.

Case 3 - In 1975 a federal law enforcement officer was assigned to an American Indian Reservation in the Pacific Northwest. This LEO had exclusive jurisdiction and investigated all major crimes, both personal and property. His assignment was not made with regard for his lack of knowledge of the Indian culture; nor was he provided any training on cultural practices and behaviors. The agency posited that the investigator would learn about Indian culture on the job (OJT) and improve his sensitivity to the Indian culture over time.

As a result cultural practices such as common birthmarks appearing as severe bruises, short termed abandonment of young children and the administering of corporal punishment by a village whipping man were initially misunderstood. In a case involving the death of an 18-month old boy, these cultural practices were present and resulted in inappropriate charges filed and significant delays in resolving the murder. While OJT is a valid training method in some jobs, irreparable damage to credibility can occur when learning is acquired primarily from making mistakes on the job.

The Bottom Line:

The three cases discussed herein typify the types of contacts between individuals in a multicultural community and LEO in response to reported crimes. In these cases misunderstanding cultural practices can play a negative role in the effectiveness of LEOs in carrying out the goals of justice and public safety. The following possible solutions are offered:

- Improve curriculum at minimum standards training academies to include recent case studies involving matters of cultural diversity such as coining and kava.
- Include field-training officers (FTOs) in the academy training in order to reduce the gap between what is taught at the academy and what is practiced in the field.
- Incorporate ethics training in all courses rather than relying on a stand-alone course to provide ethics guidance.
- Consider cultural issues when agencies assign personnel to significantly culturally diverse communities.
- Provide specialized cultural training to personnel assigned to culturally unique neighborhoods.

While training and education are not a cure-all for the many problems facing today's LEO in culturally diverse communities, proper training can improve a LEO's understanding of unusual behaviors and provide alternative ways of responding to apparent crime.

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