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Racial Bias and Death Penalty Cases: A SOAR Analysis of Post-Conviction

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Abstract

Racial discrimination is a far-reaching issue that adversely impacts individuals, groups, and communities across multiple domains. It is defined by the Equality and Human Rights Commission as being treated differently because of one's race. For decades, discriminatory policies have been codified into institutional processes which disadvantage people of color. This is particularly evident in the criminal justice system. Examples of practices that disproportionately impact intentionally marginalized populations include issues of excess force and police brutality, sentencing disparities for minor offenses or drug charges, and state sanctioned capital punishment. While these forms of discrimination are often labeled as explicit and overt from the public's perspective, more insidious forms of racism are ubiquitous and deeply embedded in society and throughout the criminal justice system. These forms include micro aggressions and implicit biases which are rooted in prejudice and socially constructed stereotypes. For individuals sentenced to death, racial discrimination can cause a disturbingly unjust reality. Current sentences show that black males are 68.2 percent more likely to receive harsher sentences than a white male of the same age and crime committed. This disproportionate rate of higher sentencing is a small portion of how minoritized populations are at a disadvantage within the justice system. This poster analyzes current literature that surrounds the foundation of sentencing discrimination, presents a SOAR analysis of the Tennessee Office of the Post-Conviction Defender, and includes recommendations to eliminate the root causes of racial injustice within capital punishment sentencing.

Introduction

Racial discrimination is a deep-rooted systematic issue affecting many populations around the United States in the present day. Racial discrimination as defined by the

Equality and Human Rights Commission is “to be treated differently because of one’s own race” (*Race discrimination*, 2020). The act of discrimination based on race can take place in all settings, such as the workplace, educational systems, and criminal justice systems. Criminal courts and incarceration is an evident area where discrimination continues to take place in the United State justice system. In October of 2002, twelve white individuals with black victims were executed compared to the one hundred and seventy-eight black individuals with white victims that were executed. This disproportionate execution amount raises an alert for the discrimination taking place in sentencing. This capstone research presents a review of the literature on the prevalence of racial discrimination among individuals who are incarcerated and the impact of implicit bias and micro aggressions within the prison population, specifically for convicted clients sentenced to death. A SOAR analysis will be utilized to evaluate current bias eliminating processes at the Post Conviction Defender Office and to identify key barriers related to jury selection and judge bias prevention. Lastly, recommendations for trauma-informed practices during sentencing to improve outcomes will be presented.

Practice Context: Post- Conviction Defenders Office

The Tennessee Office of the Post-Conviction Defender (OPCD) provides representation to all men and women who have received a death sentence by the state of Tennessee (Tennessee Office of the Post-Conviction Defender (n.d.). Each client’s case is researched to assess compliance with state and federal constitutional mandates in the post-conviction litigation process. The Post-Conviction Defender works alongside investigators, attorneys, and paralegals in the office to ensure timely and quality representation is being provided to all clients.

The OPCD strives to honor the established values of the office which are, “commitment, dedication, compassion, teamwork, and creativity” (Tennessee Office of the Post-Conviction

Defender (n.d.). These values are implemented through the actions and practices within the office setting among coworkers as well as in the field while serving clients. To best serve the clients, all individuals in the office are assigned cases in teams to bring together unique abilities to best serve individuals. The inter-personal dynamics of the office empowers clients to have more than one voice in providing a fair and justice-focused outlook on their case. By doing this, the creativity, experience, and education of each team member is expressed in a way that positively impacts client outcomes.

The current case load in the office consists of eleven men and one woman. Of those twelve cases, seven are people of color. The Office of Post-Conviction recognizes the importance of diversity, inclusion, and equity and works as a team to make sure there is no racial injustice taking place in the office or any further in clients' cases. The case load fluctuates based on convictions the time frame needed for the client. At any time, new clients can be accepted and clients can be in the closing stages of their case. There are still many previous clients who are still in contact with the office after their case is over and this reflects the connections and relationships the office maintains with those individuals.

The teams in the office typically have biweekly meetings to stay up to date with all activities happening with the client as well as report on any client contact they have had. This helps ensure the client is getting timely representation and in contact with their team regularly. Along with this, team members all try to rotate visits with the clients on a regular visit to help foster the relationships and make sure any concerns or needs are being addressed. It is priority for all team members to remain in contact with clients through visits and phone calls. The concept of having a team on cases assists in bringing creativity to the client's case as well as ensuring all measures are being taken to provide a case for the client.

Social Work and Racial Injustice

The need for social workers to recognize and address racial disparities is critical in many areas, but specifically needed strongly among the incarcerated population. There is correlation with sentencing being unjust and the minority population (Unnever & Cullen, 2007). Dating back to the beginning of the justice system in the United States, racial injustice has taken place (Vazquez, 2022). When addressed, social work practitioners can positively impact racial injustice in the criminal justice system in many ways, including policy, advocacy, and relationships, but there is much more progress to be made.

Individuals in the criminal justice system are considered a vulnerable population. Many come from lower class communities and often live below the poverty line (Covin, 2012). Substance misuse is prevalent both before and after conviction as well as mental illness (Bureau of Justice, 2021). On a macro level of social work, the population often comes from communities where there are many barriers to resources for mental illness, substance misuse, food insecurity, and education (Covin, 2012).

The social work perspective of person-in-environment is key to address the injustice in the incarcerated population, especially those on death row. This perspective purports that interactions a person has within their environment especially those with adverse environmental circumstances are critical to analyzing and understanding the behavior of an individual (Kirst-Ashman & Hull, 2018). Those who are in communities where there are barriers to necessities as well as preconceived notions on the populations are more likely to be extensively incarcerated compared to other populations. These communities are most often people of color. Recognizing a population's needs in their environment and building that community up while providing

resources to overcome the disparity, can lessen with potential to eliminate the link between racial injustice and crime.

In addition to the foundational theories of social work practice, the profession also has an ethical responsibility to protect vulnerable groups (NASW, 2021). The social work core values provide an ethical framework in working towards eliminating racial disparity within those sentenced to death row. Promoting self-determination as well as providing resources to allow vulnerable populations to live and function sustainably can alter the trajectory of future incarcerations. Social workers should also engage in integrity and also monitor the integrity of those in the courts and outside populations to make sure everyone is getting justice. Social justice is the ability to make sure everyone in society is receiving fair and just treatment in all areas, especially those most vulnerable to racism (NASW. 2021). The death row population experiences stigma and a general lack of empathy from society; however, social workers prioritize empathy for all people and attempt to understand the background of an individual's situation to promote effective social change. Holding the values within the death row population and instilling them in the populations can promote justice and work towards eliminating racism in the justice system (NASW, 2021).

It is the social work duty to take responsibility for altering the trajectory of future racism in sentencing and the effects racism plays on communities of color. Social work as a whole can also engage communities by educating others on the prominence of over sentencing within minority populations and help provide resources addressing the effects of racism. Challenging institutional racism while also equipping organizations social workers are present in can being justice those who are currently sentenced to death and allow future sentencing to be monitored for racial bias.

Many clients that are involved with social workers are already or previously involved in the criminal justice system. Taking the responsibility of racism in the justice system is a large task, but also a call to action. Overall, social workers are competent and educated on the effects racism plays in communities. They are equipped with the ability to evaluate policies and change the way racism is affecting so many in the justice system. In the future the lives of so many minorities could be protected by social workers using these abilities to promote racial equality and not allowing justice systems to partake in harsh sentencing that is bias towards minority population.

Literature Review

Racial Discrimination/Systematic Oppression

For decades, policies written from western society have been codified in institutional processes and practices which often disadvantage people of color. Examples of practices and policies that disproportionately impact minoritized populations include issues of excess force and police brutality, sentencing disparities for minor offenses or drug charges, and state sanctioned capital punishment. While this is often labeled explicit and overt from the public's perspective, insidious and subtle forms of racism continue to take place in society and the criminal justice system today. These forms include daily micro aggressions and implicit bias towards minority populations which are often rooted in prejudice and discrimination.

Literature from Dalhousie University defines discrimination as performing a negative action towards a member a specific people group because it is different from their own (Stevens, 2020). The act of discrimination can stem from prejudice, which is defined as having a negative feeling or outlook because of an individual's belonging to a people group (Stevens, 2020). The act of discrimination can take place in two forms, which are implicit and explicit bias. Explicit

bias are attitudes or actions that are controllable and in our conscious (Stevens, 2020). Implicit bias is actions or attitudes of an individual that is subconscious (Stevens, 2020). An example of this would be microaggression. These are subtle actions or comments that could be seen as unintentional but can lead to feelings of insult or mistreatment (Montoya, 2021). A medical study found that prolonged exposure to microaggressions can affect an individual mentally, emotionally, and physically as well as lead to traumatic stress syndrome, chronic stress, and inner conflict (Montoya, 2021). Although this racial trauma is a clear injustice, it is paramount to understand that individual acts of prejudice and discrimination are different from the collective impact of systemic racism (Teasley et al., 2021). Racism involves issues of power and structure as a dominant group is elevated over another group and protected by various policies and practices (Teasley et al., 2021).

Throughout history policies that have significantly affected people of color are the War on Drugs, Separate but Equal, and Jim Crow laws. These policies have left a permanent stain that we continue to see played out in the legal system. The American Civil War was a result of America's disagreement on the slavery and state rights (Allen, 2022). While the conclusion was supposed to bring freedom to all slaves, the nations continued divided and in disagreement on slavery. Jim Crow Laws came in the post-Civil War time that created a margin between black and white Americans. These laws limited the right to vote, access to jobs and housing, education, and other aspects that affected daily living (Jim Crow Laws, 2018). These policies also built a foundation of neighborhoods that lacked resources and equal rights, which has continued across the nation today. Those who tried to protest or defy these laws were punished and often jailed (*Jim Crow Laws*, 2018). Jim Crow Laws were a moment in United States history where it was clear the legal system was not in favor of black Americans. Although these practices were

dismantled with the passing of the Civil Rights and Voting Rights Acts, their impacts are still with us and embedded in social, economic, and political systems.

The War on Drugs was a similar in discriminating against people of color and their communities. During this time, law enforcement focused on specific areas, predominantly neighborhoods of color, to incarcerate those with drug possession. Those who were charged during this time lost voting rights, loans, aid, housing, and child custody (Race and the Drug War, n.d.). Moreover, the foundation of families was then affected because of the lack of resources and assistance in these neighborhoods and the separation of black families. Many fathers were incarcerated forcing black women to bear the brunt of both child rearing and financial provision. The intersectionality of black women experiencing poor policies for childcare and affordable housing and racism compounded issues of poverty which in turn added to family stress and trauma (Teasley et al., 2021).

Policing and Racial Discrimination

Dating back to the creation of the criminal justice system, racial discrimination has taken place. Slave patrols were once the original tactics of policing and that formed into an evolution of disparity between black and white Americans (Bobo, 2006). Current acts of racism continue to take place within the justice system and by police.

Literature has found two significant racial bias patterns in the legal system. First, “unequal protection from the law and unequal enforcement of the law (Bobo, 2006)”. Unequal protection is when people of color can not rely on law enforcement to protect them from being racially profiled or discriminated against in courts or by police. Secondly, unequal enforcement points to the evidence that there is harsher treatment used on people of color by the police pipelining to sentencing disparity in the courts.

Black Americans make up thirteen percent of the population but are killed at disproportionate rates by police (WP Company, 2020). A recent study from 2020 published by the Washington Post, collected data showing that black Americans are killed by police at a rate of 41 per million while white men are killed at a rate of 16 per million (WP Company, 2020). 95 percent of these people are male, and half are between the ages of twenty to forty years old (WP Company, 2020).

There are many publicized cases of people of color being targets for police brutality that make nationwide news with little change taking place. Rodney King was a black male in Los Angeles that led police on a high-speed chase and then once being stopped was brutally beaten by law enforcement for fifteen minutes while other officers stood watching in support (Sastry and Bates, 2017). On April 29, 1992, a jury consisting of majority white people concluded the four officers charged with excessive force on Rodney King were not guilty (Sastry and Bates, 2017). This led to an awakening that officers were not being held accountable for actions of police brutality. Because of the lack of accountability, police continue to use this force and aggression in their practice. Literature shows these actions are typically geared towards black men. Another example of police brutality being used on a black male is the case of George Floyd. Minneapolis police officers had a sequence of events where they violated set policies on handling arrests and left Floyd unable to breath leading to his death while in police custody (Hill et al., 2020).

The Law Enforcement Code of Ethics states, “the fundamental duty of a law enforcement officer is to serve the community, safeguard lives, and property, protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the constitutional rights of all to liberty, equality, and justice” (*Law*

enforcement code of ethics, n.d.). The media is a constant reflection that this protection, equality, and justice is not taking place in the police forces across the nation today.

A scientific study revealed those who experience, or witness police brutality can have trauma results including, depression, anger, fear, psychosocial problems, and even signs of PTSD (Bryant-Davis et. al., 2017). This can reflect in affecting them psychologically, behaviorally, or even emotionally. In a recent PBS NewsHour-NPR-Marist poll, six percent of black Americans had confidence in local police treatment of people of color and forty-two percent of white people held this confidence (Santhanam, L., 2020). The revealing amount of police brutality geared toward people of color has led to an anxiety and lack of trust in communities that are predominately people of color. Amid the protests and obvious unrest where police brutality is constantly taking place, law enforcement is still breaking policies and implying a bias when dealing with the law.

Judicial Racism and Sentencing Disparities

People of color are targets in the judicial system for longer and harsher sentencing. Jury members can often be chosen without analysis of these bias or hold feelings of anger or resentment towards a specific race (Unnever & Cullen, 2007). Although there are complex steps taken to minimize racial discrimination in the courts, having a white mean majority for another races crime has shown disproportionate rates of minorities having harsher and more definite sentencing.

Researchers have discovered subtle racism tends to appear in more private and personal settings. Having potential jury members complete an identifiable survey about their prior beliefs and relation to races can inadequately show true racism or bias in the jury selection (Unnever & Cullen, 2007). Strong predictors of support of the capital punishment have been found by

scholars in correlation to levels of white racism. If an individual has the idea that people of color have certain actions that are viewed in a negative lens, then they are more likely to vote on punishment to death (Unnever & Cullen, 2007). Without proper and effective racial discrimination eliminating evaluation, disproportionate numbers of minorities will receive harsher sentencing from a majority white jury.

Literature has found that there is a correlation to direct discrimination on the federal and state level, but the federal level being more prominent (Kansal, 2005). The same study also found that black males are 68.2% more likely to receive harsher sentences than a white male with the same age and crime (Kansal, 2005). These findings are a contradiction to society that claims there is no longer racial bias in sentencing. During the War on Drugs, almost 80% of those in federal prison and 60% in state prisons were black or Latino (*Race and the Drug War*, n.d.).

Many scholars have also investigated how jury versus judge sentencing differentiates. In the case *Ring v. Arizona* from 2002, it gave individuals the right to a jury instead of a judge when presenting factors of eligibility (*U.S. Supreme Court*, 2022). It was presented that having multiple opinions in the case and not allowing one single person to decide if the factors made one eligible for death reduced harm and followed along the line of the right to fair trial.

The literature points towards a direct link between history of racial discrimination and practices embedded in the criminal justice system. The large scope of the issue speaks to the need for reevaluation of current policy and practices within the justice system to ensure fair, free of trial, and equitable decisions. Engaging in new programming that allows the elimination of racial injustice and bias in sentencing would allow for those incarcerated to receive fair trial as

guaranteed through the United States Constitution (U.S. Const. amend. XI). Collaboration within the justice community is necessary to raise awareness and advance change.

SOAR Analysis

Although there is education and awareness of racial bias at the Office of the Post-Conviction Defender, the literature points to the need for continual improvement and education to best serve vulnerable populations impacted by the judicial system. One such assessment tool is a SOAR analysis. SOAR is an acronym that stands for strengths, opportunities, aspirations, and results. It can be used to evaluate future desires and intentions while focusing on strengths and opportunities already within organizations (Stavros, 2022). This type of action-oriented analysis is intended to determine achievement by analyzing situations and setting target goals for the future (Stavros, 2022). The overarching goal of a SOAR is to take strengths and opportunities presented in an organization and create a vision for the future that allows for maximum growth and impact on the target population. To improve service and analyze current policy, a SOAR analysis was conducted at the Office of the Post-Conviction Defender. The first goal of this analysis was to capitalize on the identified existing strengths and aspirations of leadership ability and trauma informed practices that the staff at the OPCD possess. After identifying these areas, the second goal is to present the information to local courts and other communities that affect clients in hopes to further eliminate racial bias and discrimination affecting those at the Office of the Post-Conviction Defender. Each section was evaluated both for staff members and current clients in the office.

<u>STRENGTHS</u>	<u>OPPORTUNITIES</u>
<p>Staff:</p> <ul style="list-style-type: none"> • Team oriented • Safe environment/accepting • Leadership awareness • Educated on race and trauma • Diversity and Equity Working Group • Staff on the Defense Practitioner Race and Ethnicity Task Force <p>Clients:</p> <ul style="list-style-type: none"> • Trusting staff/client relationships • Unrestricted client contact • Help bring race-based perspectives <p>In Prisons and Policing:</p> <ul style="list-style-type: none"> • Laws regulating the treatment of the incarcerated • Grievance procedures that allow conflicts to be resolved • 1983 Civil Lawsuits able to be filed in situations where lawyers need to resolve situations 	<p>Staff:</p> <ul style="list-style-type: none"> • Advocate for racial justice in the courts • Educate courts on racial bias • Policy analysis of systematic racism • Racial justice conference • Trauma informed education for courts and office • Minority job fair <p>Clients:</p> <ul style="list-style-type: none"> • Better educated lawyers assisting on racial equality for each case • Ability to share injustice with staff members inside and outside of the prison <p>In Prisons and Policing:</p> <ul style="list-style-type: none"> • Allow race related trauma funding in the prisons and police departments • Expand funding for staff education • Provide counseling services to those on staff

<u>ASPIRATIONS</u>	<u>RESULTS</u>
<p>Staff:</p> <ul style="list-style-type: none"> • More diverse staff • Community outreach, especially in communities where client volume is high • Race based training mandates • Complete a bias evaluation • Hold an educational class for citizens to become more aware of racial bias in the justice system <p>Clients:</p> <ul style="list-style-type: none"> • Empowerment to use their voice • Feeling of safety with staff members with racial topics • Equip with conflict resolution strategies • Coping mechanisms for racial induced trauma <p>In Prisons and Policing:</p> <ul style="list-style-type: none"> • More diverse staff- both guards, officers, and healthcare • Trauma-informed care trainings • Conflict resolution trainings • More strict system of monitoring laws that regulate treatment of those incarcerated • Hold officers accountable for racially discriminating actions 	<p>Staff:</p> <ul style="list-style-type: none"> • Prepared and educated to fight racial bias in courts by attending conferences • Awareness of own racial bias in office through continued evaluation • Have a trauma informed approach to working with clients • Have an education on how bias and race is affecting clients • Allow the community to partner with the office due to more awareness • Have support through the community in bringing justice and equality in sentencing <p>Clients:</p> <ul style="list-style-type: none"> • More balanced racial demographic • Up-to-date policies in the justice system that provide justice for all people • Have a court system that is educated on racism and is also anti-bias • Clients are provided with people of the same background to provide healthcare and trauma informed care in the prison <p>In Prisons and Policing:</p> <ul style="list-style-type: none"> • Proper trauma evaluation for clients and staff • More successful conflict resolution strategies • Educated staff of trauma informed care • Staff, both medical and guards, that represent cultures of those incarcerated • Accountability for treatment of those incarcerated

Evaluation

The Office of the Post-Conviction Defender has great opportunity to help bring awareness and eliminate racial bias in the death-row sentencing. The SOAR analysis conducted found current strengths in the organization while also developing a further understanding of the opportunities and aspirations to bring about tangible results in reducing racial bias in the office, courts, in the prisons and police departments. Strengths found in the OPCD were a team-oriented environment that meets on a weekly basis gives the ability for staff to be held accountable. The

leadership in the office having awareness and education on race and trauma allows for further accountability and education on any racism or bias that could arise through client cases. There is one staff member apart of the Defense Practitioner Race and Ethnicity Task Force and they attend conferences and provide resources to the office in furthering ways to address the root causes of racism. The diversity and equity group that meets monthly continues to provide ways to educate the office and develop new approaches to diversity. The analysis conducted also found strengths of both clients and the prison staff to help prevent racial bias. Clients have a trusting relationship with the staff which provides an ability for honesty and along with the unrestricted contact allows for better relationship development. The diverse group of clients also helps bring a solid race-based perspective which provides awareness and accountability. In the prison and police departments, there are laws that mandate the treatment of incarcerated individuals as well as grievance procedures that are allowed to be filed when conflicts arise. This allows clients to feel heard as well as hold the justice system accountable. The 1983 Civil Lawsuits can be filed where prison appointed lawyers are assigned to resolve situations that may be racially bias or targeting.

Opportunities that became visible through the SOAR was the staff's ability to advocate for racial justice in the courts along with providing a deeper education to the courts on the harm in racial bias. Literature states that federal level sentencing has the highest rate of discrimination, so allowing educate to prevent this from further taking place could make an immense impact (Kansal, 2005). To help prevent future racial trauma, the courts could also become educated on trauma informed care. Having the staff attend a racial justice conference could further awareness and education as well. Conducting a policy analysis on what is taking place inside the OPCD could assist in finding gaps in service and harmful policies. For future interns or staff members,

attending a minority job fair could provide a more diverse staff while also more intentionally representing the clients' backgrounds. Clients have the opportunity of having better educated lawyers representing their cases while also sharing injustice taking place inside and outside the prison. Inside the criminal justice system and prisons, having more funding for race related trauma could help educate and provide to those affected by racism. Expanding the funding for prison staff would also gain the ability for further education on racism, injustice, and trauma. Police departments would also benefit from the funding for education and trainings for their patrol officers.

Aspirations that were sought out through the office, clients, and prison would help support a more direct result in minimizing or potentially eliminating racial bias. The staff at the OPCD could be more diverse, participate in outreach that allowed communities to have more awareness on what the office purpose is and how they can be involved in supporting clients, and staff could have a mandated race-based training. Completing a bias evaluation, such as the American Bar Association's Implicit Bias Test would help staff become more educated on bias they carry into practice (Toolbox, 2020). In the community, holding an educational class for citizens to attend on the racial bias and damage taking place within the racial justice system could expand involvement and support for the office. The Death Penalty Information Center collects all race data from those sentenced to death (*Race*, 2020). By providing this organization's information to the community more awareness and understanding of the necessity to eliminate the racial injustice taking place. Additionally, clients aspire for empowerment to use their voice within the prison, have a deeper feeling of safety with staff about racial topics, and have a conflict resolution strategy training to help work through racial conflict coping. Within the prison the aspirations concluded with having more guards and healthcare that are diverse and

represent clients' backgrounds for elimination of bias. Trauma informed care trainings and conflict resolution trainings could provide a deeper understanding on how to navigate populations racially different from those on staff in the police departments and prisons as well as reduce further trauma. Finally, having a stricter monitor on following laws that regulate the treatment of clients and how racial bias can appear by neglecting said laws. Holding officers accountable of actions can also discourage other officers from conducting in the same manor and educate on how to handle situations.

Overall, the opportunities and aspirations would provide a deeper awareness, equip all populations involved with education, and legally support racial justice. Staff could represent clients better, have a deeper understanding of racial bias and trauma while also involving the community for better representations. Client populations would become more balanced racially and have policies and procedures that represent their rights while also having healthcare and prison staff that represents their demographics more appropriately. Inside the prisons, trauma and racial education would further help staff have a better understanding of the harm racial bias and discrimination can have on inmates. Holding the prison accountable would also limit racially motivated behaviors from taking place to further harm the vulnerable incarcerated population.

Strengths & Limitations

This analysis includes several strengths. For example, a strength found through the intervention conducted at the Office of the Post-Conviction Defender was viewing the aspirations and connecting to literature how service delivery to clients will improve with the advancement of antibias trainings. Ultimately, this would allow for less racially motivated capital sentencing through the justice system. The American Bar Association Implicit Bias Toolbox has been used in a wide range of trainings to check implicit bias, especially related to law (Toolbox,

2020). Being able to view the successes that have previously taken place strengthens the predicted outcomes when used to eliminate bias in the justice system. The literature also asserts that awareness of bias is the first step in eliminating it. Another strength when reviewing literature included summarizing the evidence and data that points to the foundation of systematic racism within the criminal justice system. This allows for deeper evaluation on how to better address the injustice and points to areas of improvement in programs and services. Addressing these could benefit clients at the OPCD by balancing the injustice in their sentencing and prevent future clients from being profiled as well. Moreover, the SOAR analysis conducted provides the organizational data necessary for future organizational change initiatives and larger advocacy impacts.

Along with strengths, there are limiting factors to this analysis. The lack of literature provided for racial injustice with capital cases can be considered a limitation to the assessment. Although there is increased awareness toward the impact of implicit bias and racial discrimination in the justice system, the research is still nascent. Allowing time for literature to be published and grow topic understanding may provide future support for the analysis. Conducting research and proposing change to a government agency also has challenges due to policy and a structure rooted in laws and decades of customs. Elimination of resistance could take place if having more research and proven effectiveness to back up the proposed changes. The size of the OPCD also limits the accuracy of all post-conviction agencies that play a role in the justice system therefore not accurately representing all the capital case defense community. Future analysis should include collecting data on multiple agencies throughout the country to give better accuracy, but also allow for more strengths and opportunities to be shared and allow other agencies grow. The collection of data from the SOAR analysis, since coming from inside

the agency could also lack important oversight. Having individuals speak on their own agency could increase the positive responses and alter the outcome of the analysis. Allowing an outside source to conduct this analysis provides a more objective view of the staff and service delivery; therefore, it may highlight further areas of growth. When analyzing the clientele, there is a gap in response, because of the likelihood that clients may protect themselves by responding out of their feelings on sentencing. Focusing on statistical data and allowing room elsewhere for response would improve the analysis to eliminate chance of bias in individual response. The overall analysis conducted lacks a variety of response from individuals affected as well as awareness to the problem to provide the literature. To be more effective, a more diverse sample of interviews along with various disciplines and systems should be included in future analysis.

Implications

There is explicit evidence for the need of racial bias awareness and education in the criminal justice system and all involved. The SOAR analysis found clear opportunity for growth within the Office of the Post-Conviction Defender's Office, prison, and those sentenced to death to expand the understanding and awareness of racism taking place in sentencing while also educating systems on how bias can play role in sentencing. Since implicit bias is a subconscious behavior, bringing awareness to the act of discrimination that stems from unrecognized bias will allow justice system members to evaluate and prevent future discrimination (Stevens, 2020). By actively working towards achieving some of the stated aspirations the Office of the Post-Conviction Defender's Office identified, such as community education awareness could be spread thoroughly. Creating the diverse staff that both the OPCD, police departments, and prisons aspire to have, allows for client's racial representations. Having input within the

organizations on systematic policies and procedures that affect different communities will also allow for future prevention of racism or discrimination from affecting clients.

The field of social work values dignity and worth of a person, social justice, and integrity (NASW, 2021). Discrimination of an individual, as well as sentencing based on bias minimizes the dignity and worth of individuals. Educating communities on the effects and methods of prevention to racism and bias in sentencing will hold the justice system accountable while also promoting social justice. Having court systems that are trauma informed and evaluated on bias in sentencing will hold integrity in sentencing. Implementing planned change found through the SOAR analysis within the Office of the Post-Conviction Defender can allow for a movement within the criminal justice system to eliminate bias in sentencing while also promoting social justice for everyone.

Given the literature provided, there is an identified need for continued work within the criminal justice system. The aspirations presented through the SOAR would allow for research informed practice to promote the justice of the vulnerable population within the prison system. Implicit bias evaluations as well as continued education on the effects of how the current incarcerated population and future individuals are affected can prevent future harm from taking place. This call to action could prevent racially induced trauma and improve the justice system's competency and foundation.

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