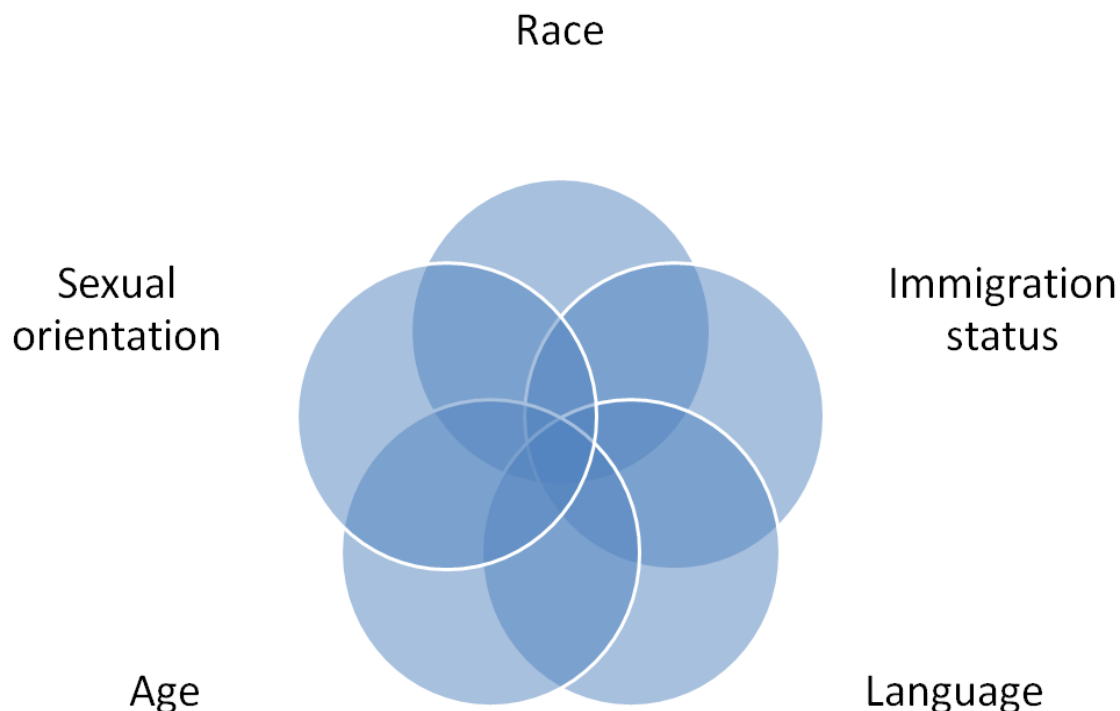


Disclosure

- This project was supported by Grant No. 2016-DC-BX-K007 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office.
- Points of views or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Intersectionality (Stress Syndrome)

Having multiple oppressed identities (race, ethnicity, class, gender, sexual orientation, age, language, ability, etc.) affects physical and mental health, well-being, and health-seeking behaviors.



*Crenshaw, Kimberle,
"Demarginalizing the Intersection
of Race and Sex: A Black Feminist
Critique of Antidiscrimination
Doctrine, Feminist Theory and
Antiracist Politics," University of
Chicago Legal Forum: Vol. 1989:
Iss. 1, Article 8. Available at:
<http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>

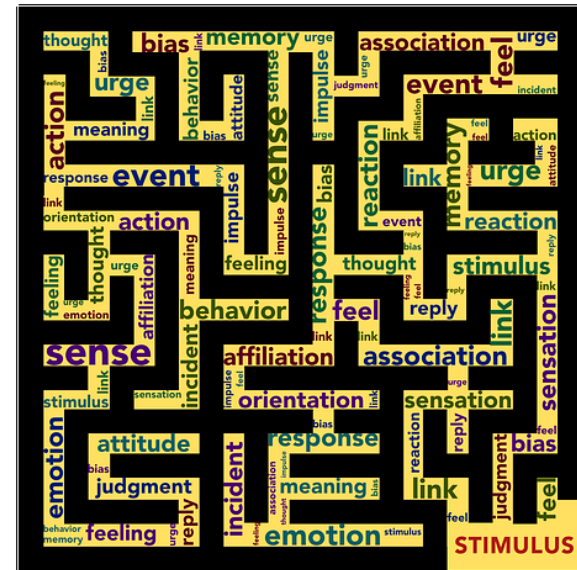
Agenda



- ❖ Need for Cultural Competency
- ❖ Definitions
- ❖ Equity & Inclusion
- ❖ Implicit Bias
- ❖ Solutions

ACTIVITY: Associations

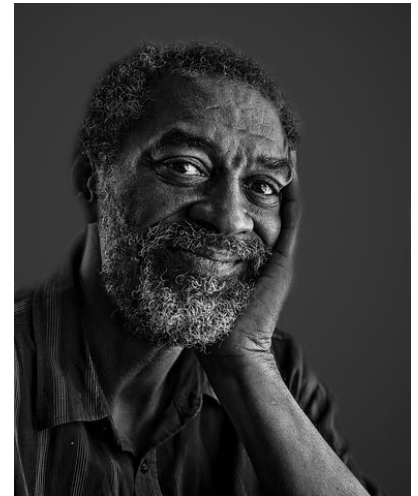
- ❖ Say the word five (5) times together out loud
- ❖ Spell the word out loud
- ❖ Answer the question



Culture

'Culture' refers to integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social groups.

❖ “Culture is everything.” --Vanessa Price



US Department of Health & Human Services, Office of Minority Health,

Cultural Competency - Luniewicz

Dominant Culture

❖ Dominant Culture

- ❖ has majority members
- ❖ wields more power
- ❖ has more privilege
- ❖ creates inequities

- ❖ What is the dominant culture in the US?
- ❖ What is the impact of this on the judicial system?
- ❖ On Drug Treatment?
- ❖ On Treatment Courts?

When is it enough?

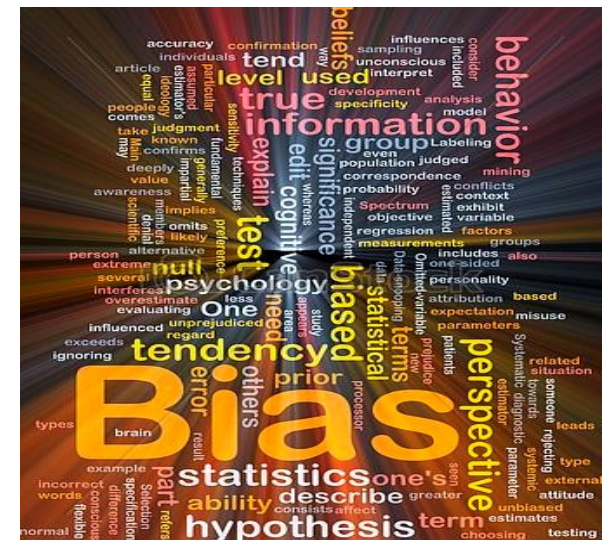
“When I'm sometimes asked when will there be enough [women on the Supreme Court] and I say, 'When there are nine,' people are shocked. But there'd been nine men, and nobody's ever raised a question about that.”

Ruth Bader Ginsburg

Associate Justice of the Supreme Court

NADCP Takes Action

- ❖ 2010 board of directors of NADCP issued unanimous resolution directing courts to determine if **racial/ethnic disparities** existed, and if so, to take reasonable corrective actions to eliminate them.
- ❖ 2013 Adult Drug Court **Best Practice Standards** Volume 1. Volume 2 in 2015. Journal for Advancing Justice Vol. 1, 2018.
- ❖ Monitor for disparities at **least annually** and adjust **eligibility** criteria, **assessment** procedures and **treatment** services to eliminate them.



© Can Stock Photo - csp6228244

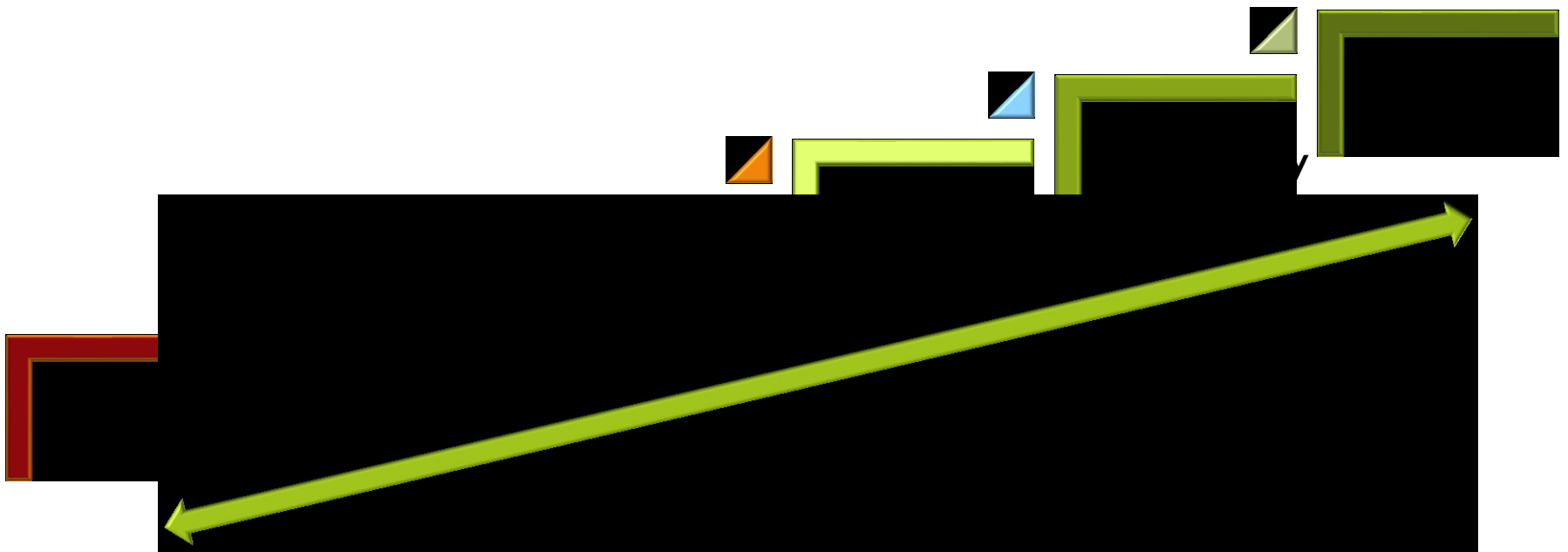
Treatment Court Disparities

- ❖ Referral, Admission, and program completion (graduation)
- ❖ African Americans are **underrepresented** in drug courts by 15-20%
- ❖ Hispanic/Latino populations **underrepresented** in drug courts by 10-15%
- ❖ African Americans, Hispanics/Latinos, and **Female** participants are less likely than Caucasian males to **graduate** from programs (some studies show 25-40% less likely)

NADCP's Journal for Advancing Justice, Vol 1, *Identifying and Rectifying Racial, Gender, and Ethnic Disparities in Treatment Courts*, 2018

Marlowe, Hardin & Fox, 2016

Organizational Cultural Competency Continuum



Adapted From: Kim McLeod & Shantzis (1995) ***Cultural Competence for Evaluators Working with Asian-American Communities***, OSAP, ADAMHA, US Department of Health and Human Services

Cultural Competency

Cultural competency is a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enables effective work in cross-cultural situations.

It is a process that involves continual **self assessment** and consciousness of one's personal reactions to people who are culturally different.

- ❖ Social science research indicates that our values and beliefs may be inconsistent with our behaviors, and we ironically may be unaware of it.

Address bias in **self** and **system**

- ❖ Fewer **inequities** and **disparities**
- ❖ Higher **graduation** rates

US Department of Health & Human Services, Office of Minority Health

Cultural Proficiency

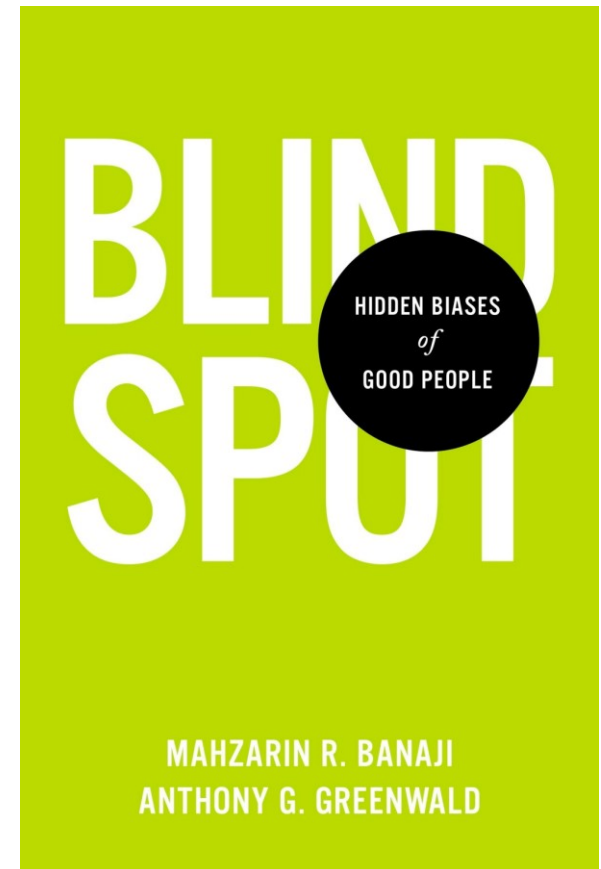
- ❖ A **systems level** approach that adds to the knowledge base of culturally competent practice by conducting research, developing new service delivery approaches, and disseminating results of demonstration efforts.
- ❖ Team **members** are **culturally competent**; **teams** are **culturally proficient**



Activity: How Do I Identify my Personal Bias?

Consider the next four questions to help you recognize how the dominant culture impacts your life.

1. Who are your three best friends?
2. Do you automatically exclude certain neighborhoods as places you might live or send your kids to school?
3. Do you only date a certain type?
4. Do you have a “gay friend” or a “black doctor?”

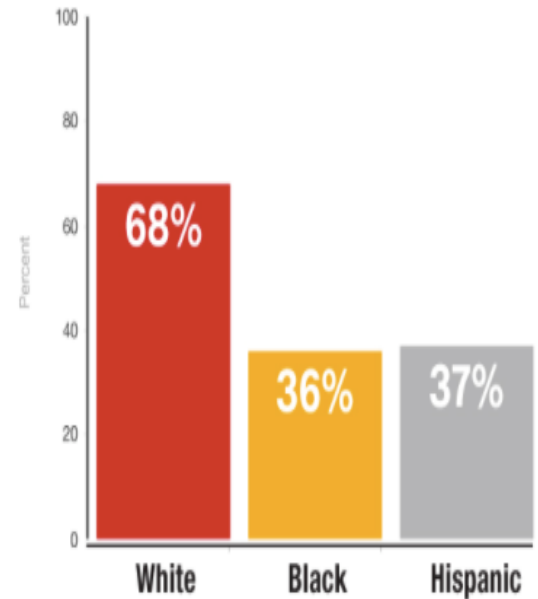


Question #1: Who are your three best friends?

Research suggests that implicit biases and stereotypes, positive and negative, are maintained through persistent *lack of contact* with others beyond your "ingroup."

The people you socialize with are all or mostly the same race as you.

Americans age 18-34



SOURCE: CNN/Kaiser Family Foundation Poll, Aug.- Oct. 2015

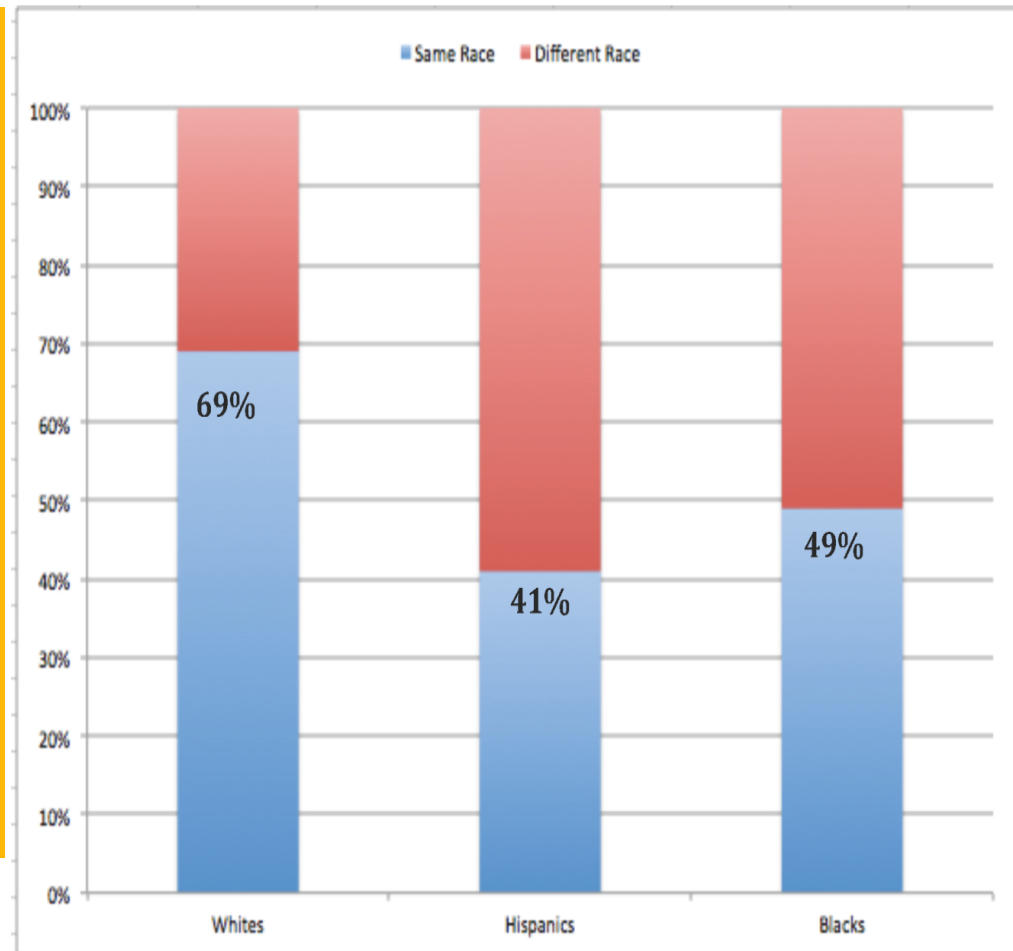
Sampling error: +/-12%

Credit: NDRI-USA, Padilla, D & Warren, P

Question 2:

Do you automatically exclude certain neighborhoods as places you might live or send your kids to school?

One longstanding explanation for the prevalence and persistence of racial segregation is that white families are unwilling to live in neighborhoods, or send their children to schools, with large minority shares.



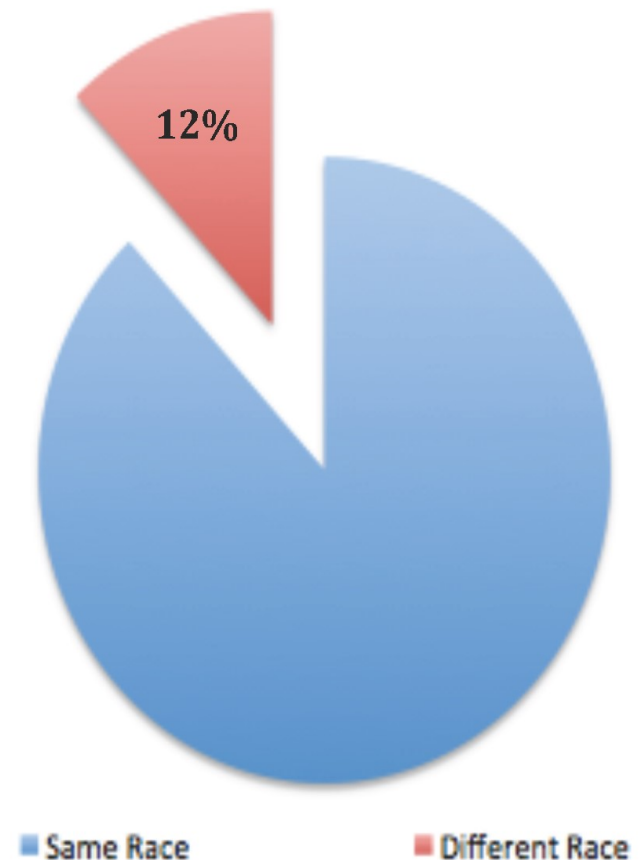
Credit: NDRI-USA, Padilla, D & Warren, P

Question 3:

Do you only date a certain type?

Although many factors play into our choice of potential partners, the communities that we are from also tend to be where our relationships and social circles are formed.

This is especially important regarding neighborhoods where a predominance of the members are of the same race.



Credit: NDRI-USA, Padilla, D & Warren, P

Question 4:

Do you have a 'gay friend' or 'black doctor?'

When a person's social identity, such as being black, disabled, gay or Muslim, becomes the central and most important aspect of that person, hidden bias unconsciously links that person to a label.



Credit: NDRI-USA, Padilla, D & Warren, P



Consider it another way, would you refer to someone as your straight white friend?

Implicit Bias - defined

- ❖ Unconscious and unfair prejudice in favor of or against one thing, person, or group as compared to another.
- ❖ Occurs automatically
- ❖ Brain makes quick judgments based on past experiences and background.
- ❖ Results are certain people benefit and other people are penalized.
- ❖ Many unconscious biases affect minority groups based on class, gender identity, sexual orientation, race, ethnicity, religious beliefs, age, HIV Status, and substance use.

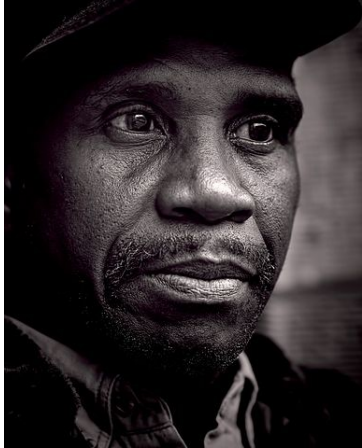
Cultural Smog

We're all breathing in misinformation. We're all being exposed to stereotypes, and we all have to think about how we have been impacted by that. You sometimes hear people say there is not a prejudiced bone in my body. But I think when somebody makes that statement, we might gently say to them check again. That if we have all been breathing in **smog**, we can't help but have had our thinking shaped by it somehow... We all have been exposed to misinformation that we have to think critically about.

Why are all the Black Kids Sitting Together in the Cafeteria? By

Cultural Competency - Luniewicz
Beverly Daniel Tatum, PhD

Impact on Healthcare



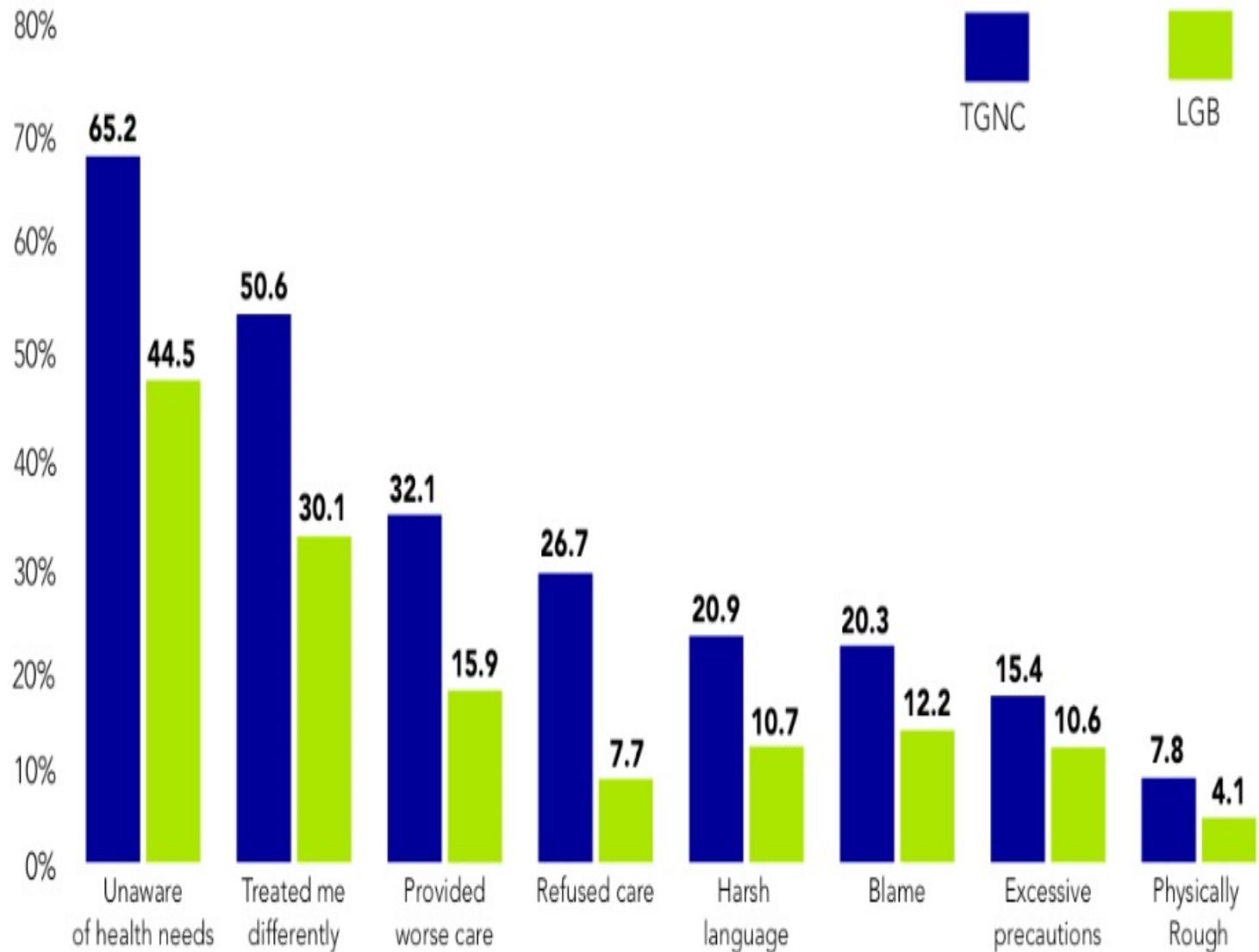
- Non-white patients receive fewer cardiovascular interventions and fewer renal transplants
- Black women are more likely to die after being diagnosed with breast cancer
- Non-white patients are less likely to be prescribed pain medications (non-narcotic and narcotic)
- Black men are less likely to receive chemotherapy and radiation therapy for prostate cancer and more likely to have their testicle(s) removed
- Patients of Color are more likely to be blamed for being too passive about their health care

The Joint Commission, Division of Health Care Improvement April 2016

Experiences of Discrimination and Substandard Care: Transgender or Gender-nonconforming Compared to Lesbian, Gay and Bisexual

Lambda Legal study on TGNC health care experience vs. LGB people

http://www.lambdalegal.org/sites/default/files/publications/downloads/whic-insert_transgender-and-gender-nonconforming-people.pdf



What is Privilege?

Video: <https://youtu.be/4K5fbQ1-zps>

- ❖ An unearned right, advantage or immunity granted to or enjoyed beyond the common advantages of all others; an exemption in many certain cases from burdens of liabilities.
- ❖ Those with privilege rarely understand its full impact on those who do not have privilege.
- ❖ Members of the dominant culture enjoy privileges.
- ❖ Privileges create inequities.

White Privilege

1. I can do well in challenging situations without being called a credit to my race.
2. I can choose bandages in flesh color and have them more or less match my skin.
3. I can take a job without my coworkers suspecting I got it because of my race.
4. My medical provider will be aware of cultural values and traditions related to my healthcare.

Male Privilege

1. When competing against a female for a job, the odds are probably in my favor.
2. I can be assertive without being labeled with a derogatory name.
3. If I have sex with a lot of people, it will not make me an object of contempt or stereotyping.
4. I am not expected to spend my entire life 20-40 pounds underweight.

Inequality

Unequal access to opportunities



Source: @hunchbreath in the 2019 Design in Tech Report

Equality?

Evenly distributed tools and assistance



Source: @hunchbreath in the 2019 Design in Tech Report

Equity

Custom tools that identify and address inequality



Source: @hunchbreath in the 2019 Design in Tech Report

Justice

Fixing the system to offer equal access to both tools and opportunities



Source: @hunchbreath in the 2019 Design in Tech Report

BEING COLOR-BLIND IS NOT HELPFUL

“We treat everyone the same in our treatment court.”

- ❖ Research indicates that practicing an ideology of color-blindness is ineffective, provides interracial tension, and promotes inequality. (Neville, Awad, Brooks, Flores, & Bluemel, 2013)
- ❖ What to do instead?
- ❖ Discourage color-blind attitudes among staff.
- ❖ Include community partners and participants with the team to engage in hard discussions about race
- ❖ Diversity in team membership.

The Case for Diversity

Phillips & O'Reilly, Report on analysis of 80 studies examining the relationship between diversity and performance, 1998; & Chugh, D.

❖ Diversity can cause

- ❖ discomfort
- ❖ rougher interactions
- ❖ a lack of trust
- ❖ greater perceived interpersonal conflict
- ❖ lower communication
- ❖ less cohesion
- ❖ more concern about disrespect

❖ Diversity will

- ❖ change how you work
- ❖ make people work harder to process information
- ❖ help you share unique information more readily
- ❖ generate more nuanced and complex thinking

Percent Decrease in Disparity in Graduation Rates Between Black and White Participants

	Best Practice	Decrease in Disparity
1	Defense attorney attends treatment court team meetings (staffing).	50%
2	Probation, if applicable, attends treatment court team meetings (staffing).	55%
3	Coordinator attends treatment court team meeting (staffing).	72%
4	Defense attorney attends treatment court status hearing.	63%
5	Representative from treatment attends treatment court status hearings.	51%
6	Coordinator attends treatment court status hearings.	50%
7	Law Enforcement attends treatment court team meetings (staffing).	80%

Percent Decrease in Disparity in Graduation Rates Between Black and White Participants (cont'd)

	Best Practice	Decrease in Disparity
8	Treatment court census (number of active participants) is <125.	75%
9	The treatment court offers family/domestic relations counseling.	78%
10	Participants are expected to have more than 90 days sober (negative drug tests) before graduation.	68%
11	A new arrest for possession does not automatically prompt termination.	105%
12	Review of the data &/or regular reporting of program statistics has led to modifications in treatment court operations.	59%
13	The treatment court has an advisory committee that include community members.	145%

Journal for Advancing Justice, V1, **Identifying and Rectifying Racial, and Gender Disparities in Treatment Courts**, 2018

Five Steps vs Implicit Bias

1. You must be **aware** of your biases
2. You must be **concerned** about the **consequences** of your biases
3. Find your **Triggers**
4. **Slow down**
5. Do **one small thing** differently



Stress can Impact Your Work Performance

- ❖ **Implicit biases** are more likely to manifest in an atmosphere of high levels of stress.
- ❖ **Vicarious or Secondary Trauma, Compassion Fatigue**
 - ❖ Constant exposure to people suffering, the responsibility of protecting the public, having to control your emotions in tense situations
 - ❖ Build up over time, impacting your perspective and creating health issues.
- ❖ **Seek your own stress relievers to help ensure fair decision making, and reduce the likelihood that biases come up**



Selected Resources on Cultural Competency & Implicit Bias

- ❖ Dolly Chugh, PhD, *How Good People Fight Bias: The Person You Mean to Be*, 2018
- ❖ Beverly Daniel Tatum, PhD, *Why are All the Black Kids Sitting Together in the Cafeteria?*, updated 2016
- ❖ NADCP's Journal for Advancing Justice, Vol 1, *Identifying and Rectifying Racial, Gender, and Ethnic Disparities in Treatment Courts*, 2018
- ❖ Mahzarin R. Banaji & Anthony G. Greenwald, *Blind Spot: Hidden Biases of Good People*, 2013
- ❖ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 2012
- ❖ The Sentencing Project, Racial Disparities
<http://www.sentencingproject.org/template/page.cfm?id=122>

Joseph Lunievicz, BA, RYT
jlunievicz@gmail.com

Thank You!

