



Building Community Trust:

Improving Cross-Cultural Communication
in the Criminal Justice System

BWJP Probation Conference
Omni, San Diego, CA
June 18–20, 2018



Who is here?

- Names
- Office/sector of the criminal justice system
- What is not and what is purpose of this presentation



Objectives

As a result of this presentation, participants will be able to:

- Describe basic concepts of culture, cultural competency, and implicit bias.
- Discuss the rationale for the study of cultural competency by criminal justice system stakeholders.

Norms

- Respectful
- Listen to Understand
- Self-Responsibility:
“I”-Statements vs.
generalizations
- “Ouch - then educate”
- Confidentiality
- Comfort/risk balance
- Take care of business &
rejoin
- Phones quiet
- Help us all learn
- What else?
- Do we all agree?



Assumptions

- Cultural competence is not innate.
- Cultural competence is not stagnant: it can be developed.
- We must engage head, heart, & hands.
- People can learn and grow.
- Organizations can too.



Building Community Trust:

Improving Cross-Cultural Communication
in the Criminal Justice System

Unit 2: Culture, Cultural Competency, & the Criminal Justice System



What comes to mind when you think about the word “culture”?



What is culture?

Culture is a community's shared set of norms, practices, beliefs, values, traditions, customs, history, and means of expression that affects how we analyze, judge, and interpret information, behavior, and perceptions about behavior.



The concept of culture relates to...

- **Identity**
- **Time:** linear and circular
- **Broad:** race, gender, language, religion, nationality, ethnicity, abilities, sex, sexual orientation, profession, etc.
- **Deep:** visible (skin tone, religious symbols) & invisible (values, beliefs) dimensions



Culture Shapes Attitudes

- Punctuality
- Child rearing
- Dress
- Education
- Discipline
- Importance of Families
- Government
- Authority Figures
- Courts
- Punishment
- Domestic Violence



Culture Shapes Behavior

- Communication style
- Interactions with others
- Decision-making paradigms
 - Individual vs. family



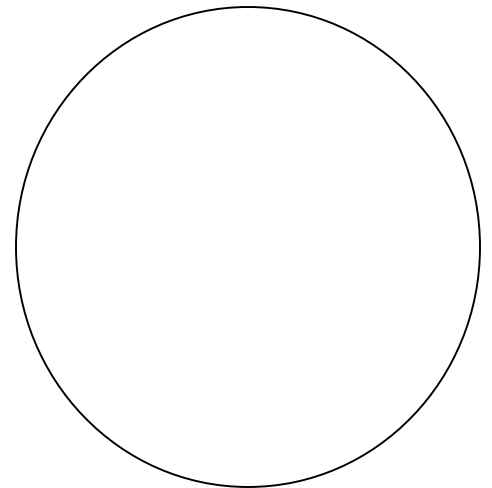
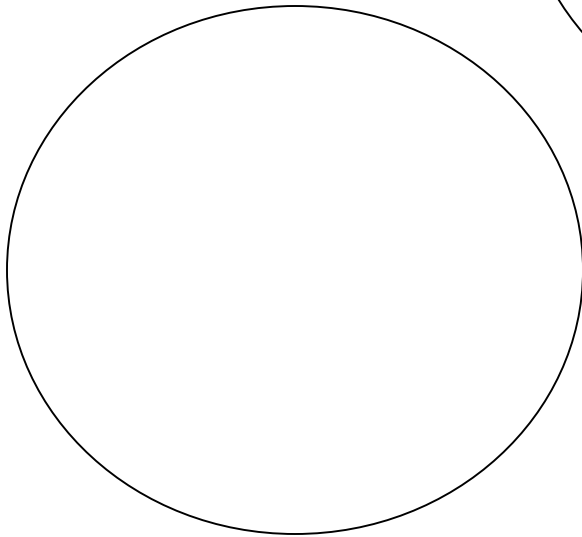
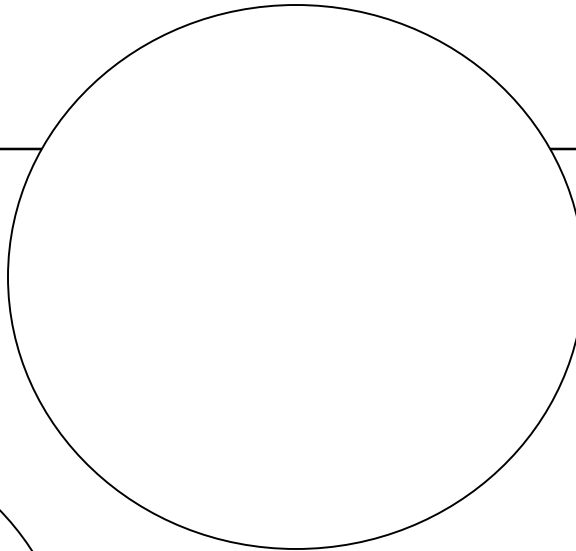
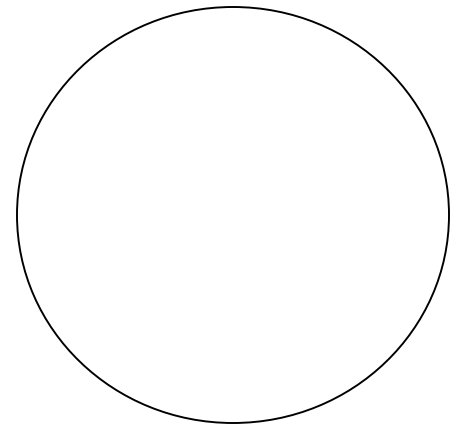
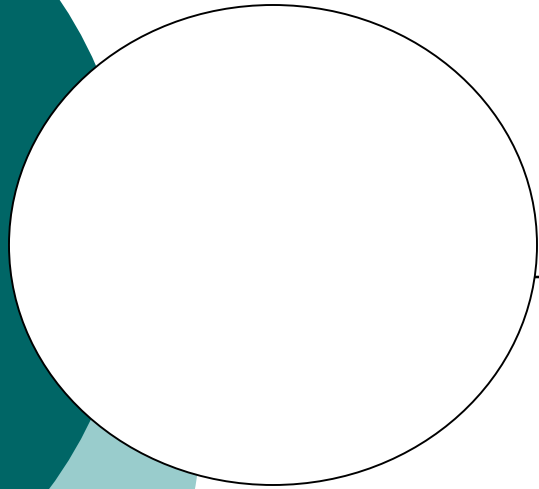
Culture Group

A group of people who consciously or unconsciously share identifiable values, norms, symbols, and some ways of living that are repeated and transmitted from one generation to another.



To what cultural groups do
you belong?

Draw Five Circles



Your Culture Groups


hobby

religious
affiliation

ethnicity

profession

geography



Describing the Criminal Justice System Culture

- Words to describe
- Visible & invisible dimensions
- Values
- Norms
- Symbols
- Ways of living/interacting
- Preferred modes of communication
- Decision-making paradigms



CJS Culture

Visible:

- Structure,
- Jargon/language
- Communication style (e.g. cross-examination)
- Rules
- Adversarial
- Process
- Suits/clothing

Invisible:

- Motivations
- Values
- Preferences
- Iceberg



Other Aspects of CJS Culture:

- Culture “affects how we analyze, judge, and interpret information, behavior, and perceptions about behavior.”
- Analytical: Logic
- Precedent: Reliance on Facts
- Jargon, Thought Process, Decision-making



Cultural Collisions

Occur when individuals or groups with different traditions, world views, values, and/or languages come together in a situation in which neither side is able to view the situation from the perspective of the other.



Cultural Collisions

- Sexual roles
- Dress/Attire
- Punctuality
- Authority Figures
- Punishment
- Body Language
- Communication style
- Role of the prosecutor, judge, and defender
- Cultural blindness vs. cultural competence



Cultural Collisions

Within the CJS

- Prosecutor vs. Defender - assumptions about motivations, goals
- Other?

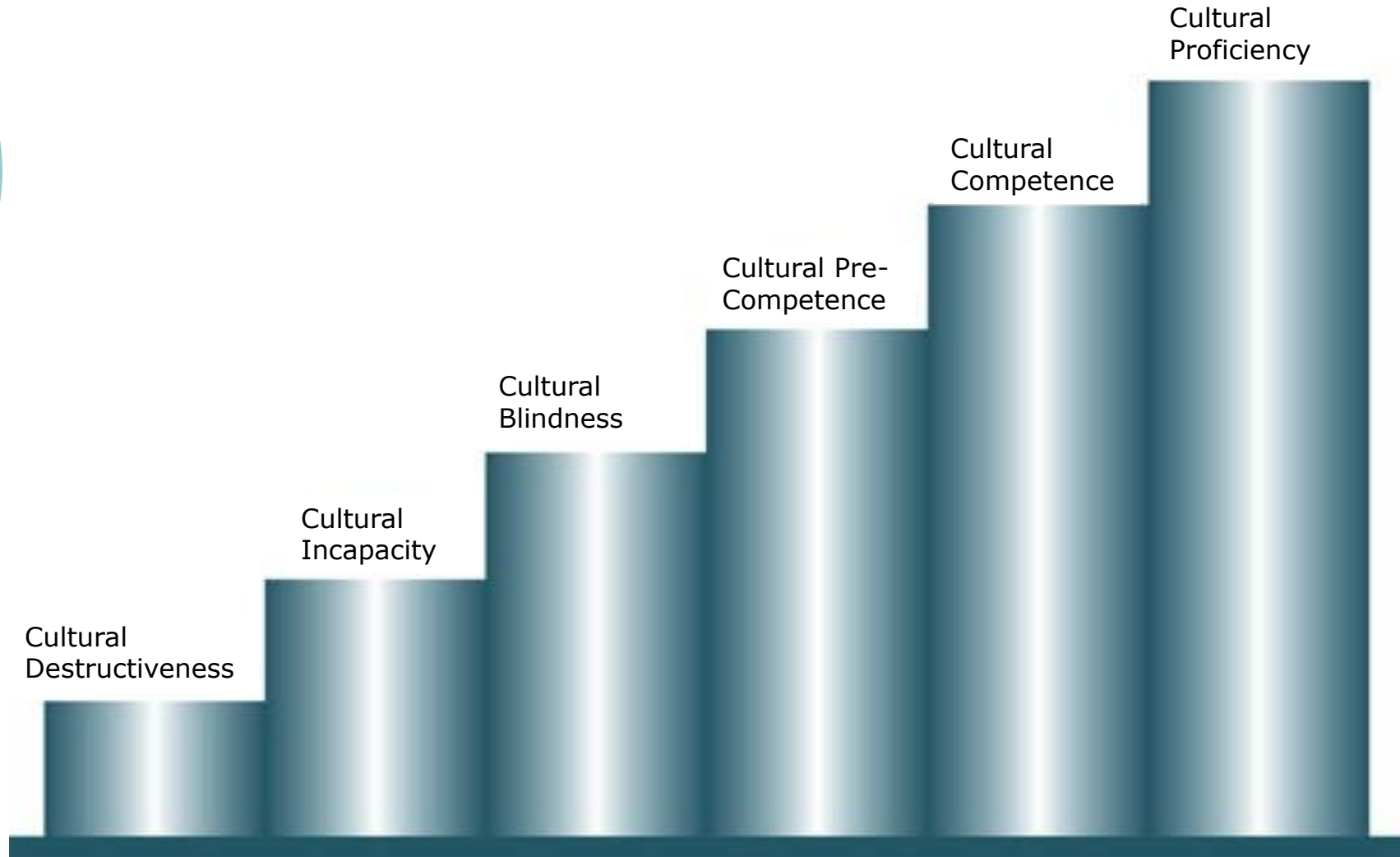
Within the community

- Listening for facts that fit rules/precedent vs. hearing the story the victim/witness/client is telling
- Other?

What is cultural competence?

- **Cultural competence** means building awareness, knowledge, and understanding in order to value cultural diversity and act in ways that promote fairness, justice, and community confidence.
- **Process:** A vehicle for moving toward a goal of fairness.
- **Substance:** The highest level of functioning in multi-cultural environments.

Cross-Bennet Models





Building Community Trust:

Improving Cross-Cultural Communication
in the Criminal Justice System

Unit 3: Implicit Bias



Objectives

1. Describe concepts of “implicit bias” and “social cognition.”
2. Discuss concerns and implications for leaders of criminal justice system and agencies.

Sources

Jerry Kang, *Implicit Bias: A Primer for Courts*, Aug. 2009, available at <http://s3.amazonaws.com/jef.mindtouch.com/10034503/640/0?AWSAccessKeyId=1TDEJCXAPFCDHW56MSG2&Signature=0dzbTGgFK0tu%2bN7uxpj8X/%2bqAho%3d&Expires=1276270793>.

Shawn C. Marsh, *The Lens of Implicit Bias*, *Juvenile and Family Justice Today*, Summer 2009, available at <http://www.jdaihelpdesk.org/Docs/Documents/lensofimplicitbias.pdf>.



“Social Psychology”

Studies
people and
their
relationships
with others,
groups, and
society as a
whole.

- How human beings develop preferences.
- How this intersects with cultural bias and cultural competency.



Not all inequity or disparity is the
result of an intentional “ism.”



Schemas

- Mental shortcuts
- Brains organize & categorize information
- Automatic navigation



Implicit Social Cognitions

- Schemas about human beings
- Impact
 - Perceptions
 - Information-processing
 - Interactions



Implicit Social Cognitions

- Infancy
- Many sources
 - Parents
 - Friends
 - Media
- Positive or negative associations
- Strengthen over time and become automatic



Social Cognitions Include:

Stereotypes

Traits that we associate with a category.

Attitudes

Evaluative feelings that are positive or negative.



“Implicit Bias”

- Implicit Stereotypes
- Implicit Attitudes



“Implicit Bias”

A preference for a group (positive or negative) based on stereotypes/attitudes we hold that tend to develop early in life.




“Implicit Bias”

- “Implicit”
 - Operate outside our awareness
- Lens
- We all have them
- By-product of being human & brain function

Implicit biases are dissociated from **explicit biases**.

Differ sometimes substantially from stereotypes and attitudes we expressly self-report.

- Related but different mental constructs.
- Neither solely accurate measure of bias.
- Both tell us something important.



How do we know what our
implicit biases are?

“Implicit Association Test”

- Times
- Conscious/unconscious divergences
- Measures our associations of concepts
 - Ex. “good” - “elderly”



“Project Implicit”

<https://implicit.harvard.edu/implicit/demo/>

- Implicit biases are pervasive.
- People are often unaware of implicit biases.
- Implicit biases predict behavior.
- People differ in levels of implicit bias.



Shorthand Schemas

Helpful in some situations, but...

...can lead to discriminator behaviors, inequity, and unfairness.



Such as...

Associating aggressiveness with black men.

- Instigator vs. Self-Defense

Implicit bias predicts real-world behavior

- Rate of call-back interviews
- Awkward body language or perceptions of fairness/courtesy
- Negative evaluations of confident, aggressive, ambitious women in certain hiring conditions
- Memory recall
- How we read “friendliness” of facial expressions
- Negative evaluations of ambiguous actions by African Americans
- “Shooter bias”
- Afro-centric facial features resulting in more severe criminal punishment



Why should this matter to us?



Concerns & Implications at System Level

- Implicit bias affects every decision point in a case.
- “MOR” & “DMC” - context
- Colors responses to criminal justice decision-makers



Within our offices, implicit bias can impact:

- Interaction with community members
- Interaction with colleagues
- Hiring, retention, & promotion decisions
- Management & supervision
- Resource allocation (“triaging” heavy caseloads)



So what do we do about it?



The good news:

Malleability



Malleability

- Motivation to be fair
- Environment
- Exposure
- Procedural changes



Strategies & Action Steps

- Education
- Cognitive load
- High-effort processing
- Mindfulness
- Organizational review
- Checklists
- Debiasing
- Look to other fields



Questions?
