

# Race, Ethnic and Cultural Equity

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# Learning Objectives

*At the end of this segment, you will be better able to:*

- Describe the specific needs of immigrant women and their children who have faced violence,
- Define culture, competence and responsiveness within the context of access to courts and immigrant victims,
- Engage in an analysis of how race, ethnicity, class, and gender intersect in the victimization of immigrants and their children,
- Assess how a person's culture impacts their experience of the court system, risk assessment and decision making,
- Identify both explicit and implicit biases and how they affect courtroom demeanor, interpretation of facts, and supportive services to victims and children.

# Cultural Identity Exercise

- What is your cultural identity?
- How does your cultural identity affect, limit or enhance your work as a judge when dealing with immigrant victims?

# Intersection of Identities ....

- Shapes an individual's experience of the courts
- Shapes the defendant's response to intervention and acceptance of responsibility.
- Shapes access to other services that might be crucial for all.
- The culture of the courtroom, the judge and the litigants will impact outcome.

# What Is Culture?

- Historically and anthropologically thought to be a stable pattern of beliefs, values, thoughts, norms etc., that are transmitted from generation to generation for successfully adapting to other group members and their environment.
- The problem is that this is an outdated definition.

# Definition Of Culture

- A critical definition of culture refers to shared experiences or commonalities that have developed and continue to evolve in relation to changing social and political contexts, based on:
  - race
  - ethnicity
  - national origin
  - sexuality
  - gender
  - religion
  - age
  - class
  - language
  - disability status
  - immigration status
  - education
  - geographic location (space)
  - rural, urban,
  - time, or
  - other axes of identification
  - within the historical context of oppression

# Context

- Contexts of privilege and access are created by certain norms against which all other sub groups are compared.
- In the U.S. attributes of the dominant culture include English as a primary language, “whiteness”, Christianity, physically able, male, economic resources and heterosexuality.

# Cultural Context

- Domination begins with half-truths, misinformation, lies about persons based on differences. Misinformation becomes ingrained in society and others are thought to be deficient and eventually the target group internalizes the misinformation.

# Working Assumptions

## CULTURALLY COMPETENT ASSUMPTIONS:

- Cultures are contradictory.
  - widespread acceptance of domestic violence
  - traditions of resistance.
  - values that are nurturing and oppressive.
- Each litigant is a unique individual with their own responses.
- Each individual comes into the courtroom encounter with cultural experiences and perspectives that might differ from those present in the courtroom.

# Learning Points

- **Culture is operating:**
  - Internally
    - Judge's unconscious/implicit bias
  - Externally
    - Judge heard information or observed demeanor that would suggest the presence of cultural difference
    - Party directly raised culture as an issue.

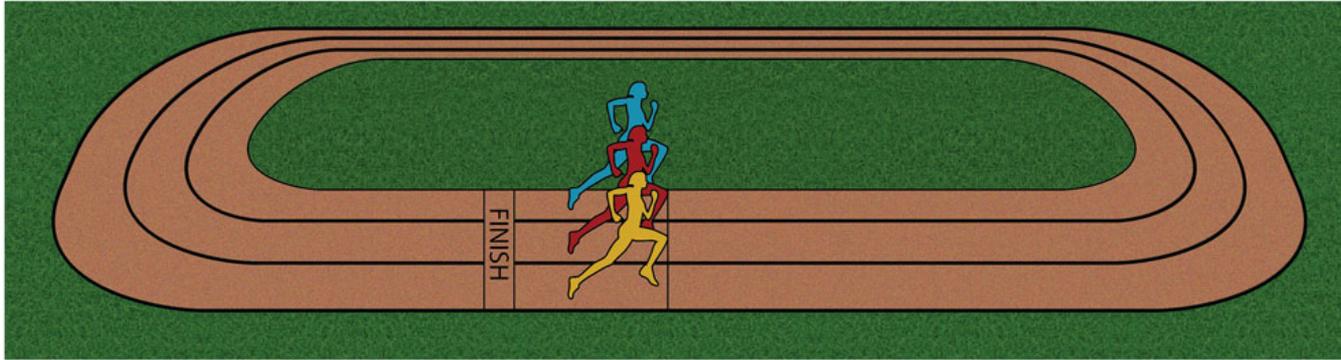
# Final Points on Culture

- “We do not see things as they are; we see things as we are.”-Anais Nin
- Everyone has a cultural identity, including you as a judge and the court itself.
  - Explain the court’s values around domestic violence to both parties.
  - Remember, it takes time for people to accept new systems and ideas.
  - Repetition and patience are the keys.

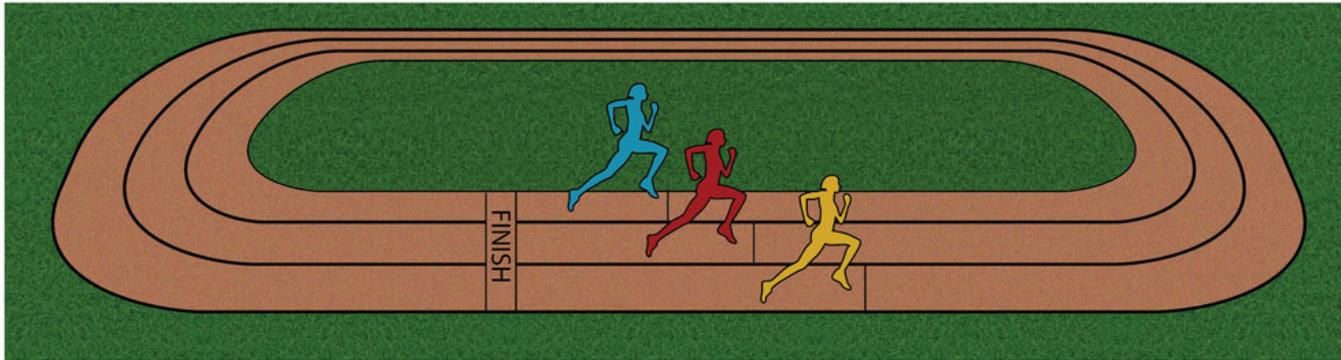
# Equity for Immigrant Victims

- What does equity mean for immigrant victims of domestic violence?
- What can courts do?

# Equity



**EQUALITY**



**EQUITY**

# Cultural Misinformation Exercise

## Learning Objectives

*As a result of this exercise, you will be better able to:*

- Evaluate the impact of cultural misinformation on perceptions of different cultures.
- Describe positive and negative stereotypes.

# TASK

- During the next few minutes, fill in each box presented (mentally, not aloud) with stereotypes that exist “out there in the world”
- May be positive or negative
- Some of the groups are divided into men and women
- Awareness of a stereotype DOES NOT mean that you believe it

# Howard

- 1.
- 2.
- 3.
- 4.
- 5.

# Hakima

- 1.
- 2.
- 3.
- 4.
- 5.

# Immigrants

- Men

- 1.
- 2.
- 3.
- 4.
- 5.

- Women

- 1.
- 2.
- 3.
- 4.
- 5.

# Poor

- Men
- 1.
- 2.
- 3.
- 4.
- 5.

- Women
- 1.
- 2.
- 3.
- 4.
- 5.

# Muslims

- Men

- 1.

- 2.

- 3.

- 4.

- 5.

- Women

- 1.

- 2.

- 3.

- 4.

- 5.

# Large Group Discussion

- What were your feelings as you did the exercise?
- Where do stereotypes come from?
- Does it make a difference if the stereotypes are positive?
- How do stereotypes differ from generalizations?

# What Compromises Justice System Culture?

- Assumptions?
  - That system responses are trust worthy
  - That litigants “say what they mean”
  - How we establish credibility
  - Speed is good

# What is Procedural Justice

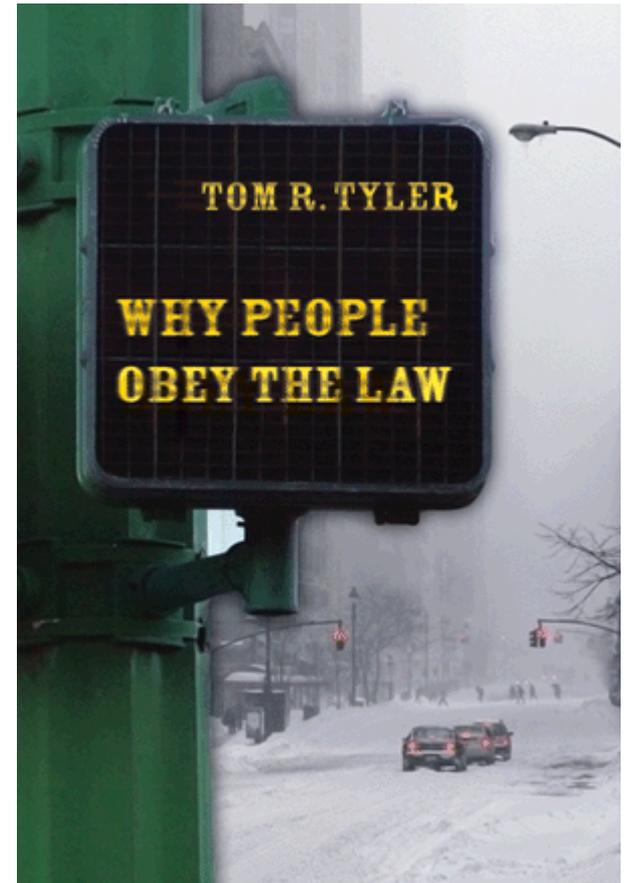
- **Procedural justice:** perceived fairness of **court procedures** and **interpersonal treatment** while a case is processed.

*As contrasted with:*

- **Distributive justice:** perceived fairness of the final **outcome** (“win” or “lose”)

# Procedures vs. Outcomes

- **Most people like to win!**  
Outcomes matter.
- **Procedural justice theory assumes that:**
  - People know they can't always win.
  - People will be more likely to accept losing if they perceive as fair the procedures and interpersonal treatment they received.

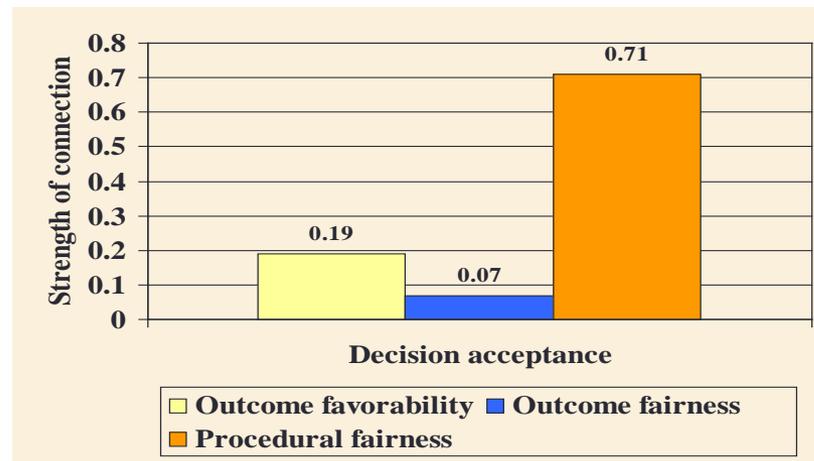


*Source: Tyler (2012).*

# Research

## Decision Acceptance

Procedural justice is the primary factor in litigants' willingness to accept decisions – regardless of why the litigant came to court.



# Public Perceptions: Communities of Color

- People of color report lower perceptions of legitimacy and procedural justice than whites
- African-Americans come to court with lower expectations and, afterwards, perceive less fair treatment than others

(Tyler and Huo 2002; Rottman et al. 2005)

# Public Perceptions

**“We should treat *each encounter* between the citizens and the police, courts, and other legal actors as a socializing experience – a teachable moment – that builds or undermines legitimacy.”**

- **Tom Tyler** (Yale University) - preeminent national scholar on legitimacy, trust, and procedural Justice



What does procedural fairness have to do with *actual* fairness?

# Elements of Procedural Justice



- 1. Voice**
- 2. Respect**
- 3. Neutrality**
- 4. Understanding**

Rossman et al. (2011).

# Elements of Procedural Justice



## ○ **Voice:**

- *You felt you had the opportunity to express your views in the court.*
- *People in the court spoke up on your behalf.*

## ○ **Respect:**

- *You felt pushed around in the court case by people with more power than you.*
- *You feel that you were treated with respect in the court.*

Rossman et al. (2011).

# Elements of Procedural Justice



## ○ **Neutrality:**

- *All sides had a fair chance to bring out the facts in court.*
- *You were disadvantaged in the court because of your age, income, sex, race, or some other reason*

## ○ **Understanding:**

- *You understood what was going on in the court.*
- *You understood your rights during the processing of the case.*

Rossmann et al. (2011).

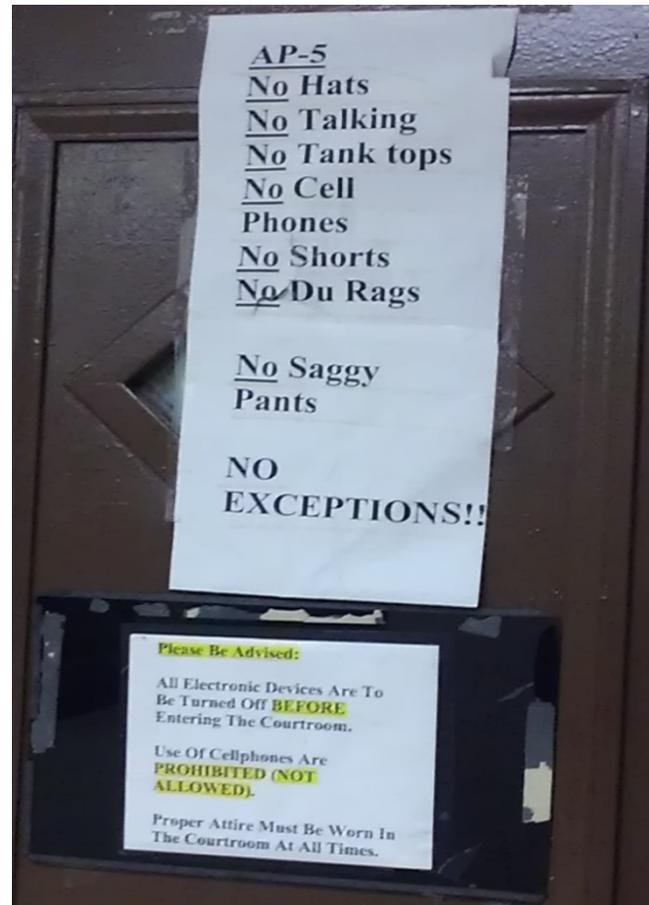
# Signage



Photo Credit: Northern New England Chapter of the American Planning Association

How much confidence do you have in the government that created this sign?

# Courthouse Signage



# Research

- **African-Americans** come to court with lower expectations and, afterwards, **perceive less fair treatment** than others (Tyler and Huo, 2002)

# Implementing Procedural Justice

The tone/actions of court security

Legal language

Bench conferencing

Lack of explanation of proceedings

# Implementing Procedural Justice

- **Self Assessment**
- **Strategies to Minimize the Negative Impact of Court Culture**
  - ✓ How can the court experience be improved for the litigant?

# Demonstration Project

## COURTROOM RULES



Please help us keep the courtroom quiet.

No talking while court is in session.



Please turn off all cell phones when in the courtroom.

Phones may be used in the hallway.



Please remove all hats and headwear.



Please do not eat or drink in the courtroom.

Eating is allowed in the hallway.

There is a water fountain in the middle of the hallway.

Thank you for your cooperation.

Improved signage  
uses both images  
and words to  
convey meaning.

Respectful language  
is used whenever  
possible.

# Role of the Judge

- **Role of Judge = Critical**

- Motivational effect? Perceptions of the judge are the strongest predictor of drug court success (see Rossman et al. 2011):
- Supervision effect? More judicial status hearings lead to reduced crime and drug use (e.g., Gottfredson et al. 2007; Marlowe et al. 2003)

(Abuwala and Farole 2008; Curtis et al. 2011; Frazer 2006; Gottfredson et al. 2009)

# Implementing Procedural Justice

- Judicial Demeanor
- Full understanding of the case/defendant
- Defendant offered opportunity to be heard
- Courtroom environment
- Victim Input/Procedures
- Allocution
- Consistency

# Technical Assistance and Materials

- PowerPoint presentations and materials for this webinar at [www.niwap.org/go/JTN1](http://www.niwap.org/go/JTN1)
- Facilitators Notes for this Segment
  - On flash drive for the conference
  - With Case Scenario and PowerPoint
- **NIWAP Technical Assistance:**
  - Call (202) 274-4457
  - E-mail [niwap@wcl.american.edu](mailto:niwap@wcl.american.edu)
- Web Library:  
[www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)

# Questions

