



CULTURAL COMPETENCE AND THE JUVENILE JUSTICE SYSTEM: IRRECONCILABLE DIFFERENCES?

There are many professionals of color who look with increasing alarm and dread at recent developments in the juvenile justice system in this country. It seems that, more and more, justice simply means "just us," as the overrepresentation of youth of color in juvenile confinement continues to soar in direct proportion to the fears of violence and crime that grip the minds of those dominant culture Americans who are least likely to be its victims.

In response to the overwhelming confinement of youngsters of color, the Office for Juvenile Justice Delinquency and Prevention (OJJDP), in 1989, issued regulations requiring states that participated in their Formula Grants Program to determine the existence of disproportionate minority confinement and to design strategies to reduce the problem where it exists. As of February 1993, 42 states had completed the required data analyses, with all but one determining that juveniles of color were over-represented in secure facilities (Federal Register, Vol. 59, No. 134, July 14, 1994, p. 35993). Despite these data collection activities, the problem continues to worsen and few, if any, states have developed comprehensive strategies to reduce or counteract this trend.

Thus, it is an accepted fact that most juvenile justice systems tend to be culturally biased from the initial assessment through the course of placement disposition. These systems have proven to be inflexible when assessing or serving youth of different racial and cultural orientations. Their programs and staffing seldom reflect any real commitment to cultural competence or diversity.

In the cultural competence model developed by Cross et al., (1989) in *Towards a Culturally Competent System of ID Care: A Monograph on Effective Services for Minority Children who are Severely Emotionally Disturbed* (Vol.1), the authors state that cultural competency is a developmental process and, as such, propose a cultural competence continuum as a useful tool

to illustrate the possible ways organizations (and individuals) can respond to cultural differences. They identified six points along this continuum that describe characteristics that might be and are often exhibited by agencies—from those that are least culturally competent to those that are highly developed in the cultural competence context.

The least culturally competent points of the continuum are cultural destructiveness and cultural incapacity. Culturally destructive agencies are those at the most negative end of the continuum that exhibit attitudes, policies and practices that are destructive to cultures and consequently to members within the culture. A system that adheres to this extreme assumes that one race is "superior" to the other and has the right to eradicate "lesser" races or cultures because of their perceived subhuman position. Bigotry, coupled with vast power differentials, allows the dominant group to disenfranchise, control, exploit, or systematically destroy the minority group and its culture. At the next step of the continuum is cultural incapacity. At this level, the system or organizations do not intentionally or consciously seek to be culturally destructive; rather, they lack the capacity to help persons or communities of color. The organization remains extremely biased, believes in the racial superiority of the dominant group, and assumes a paternal posture towards "lesser" races and cultures. These agencies may disproportionately apply resources, discriminate against people of color on the basis of whether they "know their place" and believe in the supremacy of dominant culture helpers. Such agencies may overtly or covertly support segregation as a desirable policy. They may act as agents of oppression by enforcing racist policies and maintaining stereotypes (Cross, et al., 1989).

From the perspective of this author, most juvenile justice agencies currently fall within these two levels of the continuum. The very attitudes, policies, structures and practices of these organizations devalue

individuals and cultural diversity. For example, there are problems with the fact that:

- One is most likely to be a "client", of this system if African American, male and poor (race/class biases);
- Once in the system, there is a significantly lower probability that the individual will go to college or find a decent job; in fact, there is a greater probability that the individual will graduate into the adult criminal justice system (the juvenile justice system becomes a feeder for adult jails and prisons);
- Despite well-documented and high correlations between juvenile justice and emotional disabilities, substance abuse, child abuse and learning disabilities, one is unlikely to receive adequate assessment or treatment for these problems upon entering the system;
- The attitudes and knowledge that discretionary decision-makers within the juvenile justice system hold about people of color (i.e., police officers, probation officers, prosecutors, etc.) are often based upon strong and deeply embedded racial biases and stereotypes;
- There is little room for input and little respect for parents, family members, members of communities of color, or for the youth themselves;
- There are consistent and pervasive power differentials within the system and that those with power and authority are almost always dominant culture persons (i.e., police officers, judges, attorneys, government law enforcement agents, etc.) since the justice system has notoriously poor records when it comes to affirmative action and equal opportunity for advancement; and
- Juvenile justice is increasingly becoming a system of punishment (control agent) and not treatment/rehabilitation.

Thus, some of the most salient characteristics of juvenile justice agencies lead to a level of cultural incompetence and insensitivity that is having devastating impact on youth of color, their families and their communities.

The growing question is whether there are ways to redirect current trends in the juvenile justice system so that it can fulfill its mission without destroying cultures of color or whether there are truly irreconcilable differences between the concept of justice and cultural competence. It seems that the solution lies in reversing many of the characteristics that plague the current system. Attitudes and knowledge need to be addressed through cultural competency training and practice; families and communities of color need to have a greater voice and greater mechanisms for being heard and respected within the system; the discretionary and arbitrary decision-making processes of those with power and authority need

to be limited and closely monitored; and, cultural competence action plans and strategies need to be developed and implemented throughout all aspects of the system.

Although the current \$600,000 appropriation for developing strategies directed at reducing minority confinement available through OJJDP is a small part, there has to be a greater "will" and commitment among those who have the power and authority to change the current incentives within the system. There must be greater recognition that juvenile justice is failing children and adolescents of color through an inability to recognize, understand, or provide adequate prevention, assessment, treatment and rehabilitation due to the lack of culturally appropriate and competent policies, staff, and programs-and not because children and adolescents are inherently "bad" or undeserving of humane approaches. We have to reverse the fact that: "(R)ace emerges as the single best predictor of arrest, incarceration, and release, even when the influence of other variables are controlledThis is not only true for Black youth, but also Hispanic youth, Native Americans and Japanese Americans" (Krisberg et al., 1987, pp. 174-175).

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References

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