

**ACHIEVING EQUITY IN JUVENILE JUSTICE USING A
CULTURALLY COMPETENT APPROACH**

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Achieving Equity in Juvenile Justice Using a Culturally Competent Approach

I. Introduction

The Mission of the Texas Juvenile Justice Department (TJJD), created on December 1, 2011, reads in part: “. . . to help youth enrich and value their lives and the community by focusing on accountability of their actions and planning for a successful future.” This notion of youth receiving juvenile services being accountable to their community mirrors debates and discussions about youth and families that access other types of public assistance programs, such as Temporary Aid for Needy Families (TANF), Medicaid and Medicare, child welfare, housing, and education. Public systems create policies, procedures, and oversight structures to ensure participants comply with rules and remain eligible for benefits.

Less commonly discussed but equally important is the accountability of public systems to the people they serve and the broader community. This accountability must include equity, the concept that everyone must be treated in a way that meets their specific needs so they have a fair opportunity to attain their potential. While great strides have been made throughout our country’s history to achieve equity in social service delivery, much remains to be done. Recognizing this great need, the Texas Legislature created the Center for Elimination of Disproportionality and Disparities (CEDD) within the Health and Human Services Commission (HHSC). The Mission of CEDD is to “to partner with health and human services agencies and external stakeholders, as well as other systems and communities, to identify and eliminate disproportionality and disparities affecting children, families, and vulnerable citizens”.

Within that Mission Statement are a few terms used to describe a lack of equity. Disproportionality refers to “the over or underrepresentation of a particular racial or cultural group of people in a program or system”. Disparity refers to “the inequitable or unequal treatment of a particular racial or cultural group of people”. The term Disproportionate Minority Contact (DMC) refers to the “disproportionate representation of minority youth that come into contact with the juvenile justice system”. Education professionals often express concern about the “achievement gap” between White students and students of color.

While each system may prefer a different term, these concepts all reference the racial inequity inherent in our child, youth, and family-serving systems. Put more simply, children of color experience more negative outcomes in each of these systems as compared to White children. These disparities are almost always most pronounced for African American children and adults. This “institutional racism” involves policies, practices, and procedures of institutions that have a

disproportionately negative effect on racial minorities' access to and quality of goods, services, and opportunities.

Texas continues to lead the nation in addressing disproportionality and disparities. Building on work begun in Child Protective Services in 2003, CEDD continues to collaborate with entities at both the local and state levels with the ultimate goal of achieving equity for all Texans. These relationships include the Texas Juvenile Justice Department as well as many county juvenile probation departments and juvenile court judges. The Texas Model for Addressing Disproportionality and Disparities guides CEDD's work. It may be successfully applied within juvenile justice organizations and other social service systems at all levels to reduce inequities and begin reforming our systems to promote equity.

II. The Texas Model for Addressing Disproportionality and Disparities

A. Data Driven Strategies

The first element of the model is Data Driven Strategies. At its most basic level, this component requires that agencies collect and report decision-point and outcome data by race and ethnicity. Juvenile authorities cannot identify DMC and other disparities if they do not examine the data along such parameters in the first place. Data must also guide reform efforts and remediation plans to address and ultimately eliminate disproportionality and disparities, informed by communities and those who are ultimately affected by agencies and their programs.

Strategic planning focused on analyzing disparate outcomes requires informed, critical thinking about deeper meanings of what collected data represent. Too often professionals assume that constituents are to blame when a new program fails; however, those who created the program may not have first considered, and indeed asked, what a community, family, or youth need in the first place. Community members inform Data Driven Strategies which are further considered in light of systemic inequities and their continuing impacts on people living in poverty.

B. Leadership Development

Leadership development includes two critical dimensions. The first involves the actual leadership of an agency, its executive management and their immediate staff. These individuals require an understanding of the history of their agency and its role in impoverished communities. They need to guide their agency while embracing antiracist principles, demonstrating what it means to be a good gatekeeper, and valuing the humanity of their staff and constituents. Antiracist leadership is not an end destination; rather, it is a journey. The finest leaders embrace such a journey, recognizing where they

have been and where they want to go, all with a humility and service acting as guiding constants.

Leadership development is not limited to the highest levels of an agency, but should also include all members of a reformist institution. Each member and employee recognizes they play an integral role in ensuring quality service delivery to every consumer and that they are gatekeepers to their particular domains, from frontline staff handling phones to mid-level managers and beyond. Every member of an organization has the opportunity to offer leadership in reforming our agencies to operate in equitable ways.

C. Culturally Competent Workforce

The federal Office of Minority Health defines cultural competence as “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” (OMH, 2013). Eliminating disproportionality and disparities requires a culturally competent workforce. Achieving a culturally competent workforce requires that its members demonstrate humanity when providing services to their clients and critically review their work and practices through a lens clearly focused on equity. The culturally competent workforce strives for equity in service delivery and seeks to improve outcomes in cooperation and collaboration with the communities they serve.

D. Community Engagement

Community engagement requires sharing data classified by race so that community members know agency leadership recognizes the realities of system impacts. Frequently, program developers will have no credibility unless they recognize that communities of color often experience the most negative outcomes in every family- and child-serving system, including Texas juvenile justice.

Engaging the community requires transparency in communication that is respectful, recognizes the community’s strengths, hears their ideas, and includes them in meaningful dialogues, discussions, planning, and decision-making on efforts that will ultimately impact them. Successful implementation of this component of the Texas Model may include town hall meetings, stakeholder forums, advisory committees, and citizen review teams.

E. Cross Systems Collaboration

Cross systems collaboration involves identifying and building relationships in partnership with communities, other systems, institutions, and agencies whose services, programs, policies, and practices impact similar populations. Texas has many examples of successful cross systems collaboration, both locally and

statewide. Statewide examples include the Interagency Council on Disproportionality and Disparities, created in 2011 by the 82nd Texas Legislature in Senate Bill 501 and the Supreme Court Commission on Children, Youth, and Families. This collaboration can occur not just at the agency level, but also by frontline staff when service providers make coordinated efforts to include all relevant parties in case-specific planning, such as parents, educators, child welfare workers, therapists, juvenile probation officers, and others.

F. Training Defined by Antiracist Principles

Important antiracist principles include learning from history, sharing culture, undoing racism, networking, analyzing the manifestations of racism, understanding the processes and effects of militarism, undoing internalized racial oppression (both superiority and inferiority), developing others (internal and external to the institution) as leaders, maintaining accountability, and reshaping gatekeeping (PISAB, 2013). To eliminate disproportionality and disparities while undoing institutional racism, agencies must train staff in accordance with these principles.

Training staff on the above concepts is not enough, however. Agencies must embrace and develop antiracist cultures to support reform efforts aimed at producing equitable outcomes for all. Staff must become “critical lovers” of their systems, willing to ask difficult questions of leadership while they provide the same candid assessments of their own work efforts. This accountability ensures that reform efforts remain rooted in antiracist principles.

G. An Understanding of the History of Institutionalized Racism and the Impact on Poor Communities and Communities of Color

Like leadership development, increasing our understanding of institutionalized racism and its impacts is a lifelong journey best grounded in humility and humanity. It includes developing a common definition of racism and an understanding of its different forms: individual, institutional, linguistic, and cultural. This language informs an analysis for examining racism in the United States and its sometimes hidden contemporary implications. It is important for every member of an agency to understand their connection to institutional racism, its impact on their work, and how to productively deconstruct it within their sphere of influence.

III. Conclusion

Human service professionals in juvenile justice, child welfare, education, health, and every other community-impacting system must continuously strive to achieve equity for all, regardless of their racial and ethnic identity. The Texas Model serves as an effective guide for institutions implementing reforms to achieve equity and eliminate disproportionality and disparities, including juvenile justice agencies. The concepts described in this model are interrelated but also function independently. The Texas Model is not meant to occur linearly, with equity being achieved after completing discrete “steps.” Rather, the components occur together, and an organization must constantly assess its progress, strengths, and challenges in seeking reform and ensuring sustainable system transformation.

Undoing institutionalized racism and improving cultural competency skills requires a deep commitment from agency leaders and all employees. Further, it requires meaningful partnerships and dual accountability between systems and with communities. Only by valuing our humanity and developing mutual accountability can we achieve positive outcomes for all children and families.

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