

Meaningful Access and Integrating Procedural Justice

JFF NGO
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Why are we here talking about this topic?

- Center for Justice Innovation
- + Ujima Inc
- + JFF Grantees
- + You?



Improving Racial Equity Across Courthouses (IREACH) Overview

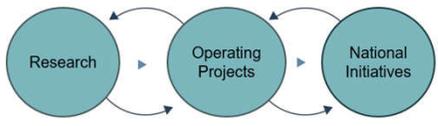
Provide training and technical assistance to courts on racial equity and procedural fairness to improve the court process in civil, criminal, and family courts addressing domestic violence.

Session Objectives

- Explain the tenets of procedural justice.
- Differentiate terms race, ethnicity and culture.
- Identify terms bias, prejudice, and stereotype.
- Contextualize racial justice and racial equity.
- Discuss application of PJ tenets in your legal system and service provision.

Center for Justice Innovation

The Center works to achieve justice and equity; create safe, healthy, and thriving communities; and ultimately transform justice systems.



Ujima



Ujima, The National Center on Violence Against Women in the Black Community (Ujima) was founded in 2015 in response to a need for an active approach to ending violence against women in the Black community. The name Ujima was derived from the Kwanzaa Principle of "Ujima," which means Collective Work and Responsibility. This principle is critical to addressing violence against Black women in the United States.

Ujima, through its education and outreach, training and technical assistance, resource development, research, and public policy efforts, mobilizes the Black community and allies to strengthen our families, recognizing that the safety and viability of our families is connected to the health and well-being of our individual neighborhoods and communities at large. We define the Black community as the African Diaspora in its broadest sense – Black Americans (descendants of the enslaved in the U.S.) and African, Afro-Caribbean, and Afro-Latinx immigrants, refugees, and asylees.



- a clearinghouse for research literature, webinars, national issue forums, regional trainings, community-specific roundtables, blogs, articles, and on-site technical assistance.
- a resource center for survivors of violence and their families and friends. Survivors are able to tap into a network of culturally-specific programs and services that meet the unique and varying needs of the Black community.

• work across the county to conduct meaningful and impactful research that addresses race, class, quality of victim services, offender accountability and system accountability.

• work to increase the capacity of grantees, domestic violence coalitions and networks, domestic violence programs, local, state, and federal government agencies, community based programs, practitioners, researchers; and policymakers regarding family, domestic, and dating violence in the Black community.



Table Exercise

10 minutes

Left side of the room:

Right side of the room:

What does justice mean to you?

What does equity mean to you?

Poll

Use interactive polling to answer the following questions:

What is.....

Race | Ethnicity | Culture

How about...?

Prejudice | Bias | Stereotypes

What About Culture?

Why does culture matter?

The Role of Culture

Culture shapes an individual's experience of domestic violence.

Culture shapes the abuser's response to intervention and acceptance of responsibility.

Culture shapes victims' help-seeking behaviors, perceptions of providers, and impacts access to services that might be crucial for the victim.

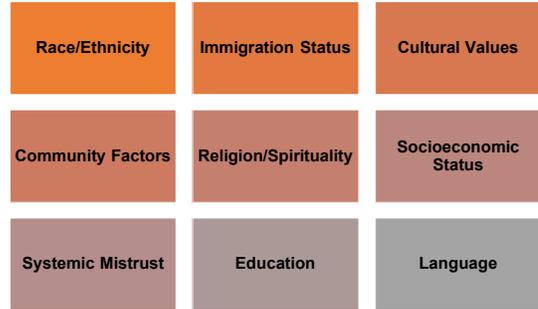
Culture shapes providers' perceptions of victims which can impact quality of service.

The culture of the system, the advocate or the professional and the victim will impact outcome.

(Adapted from Sujata Warrior, 2001)

13

Cultural & Contextual Factors



(Bent-Goodley 2012)

14

Institutional Racism and Structural Violence



What is Institutional Racism?



Institutional racism is distinguished from the explicit attitudes or racial bias of individuals by the existence of systems-wide policies or laws and practices that provide differential access to goods, services and opportunities of society by race.

Institutional racism results in data showing racial gaps across every system.

*Frank Porter Graham Child Development Institute, University of North Carolina at Chapel Hill.

What is Structural Violence?



Refers to a form of violence where one or several social structures or institutions harm people by preventing them from meeting their basic needs.

Examples of structural violence include: racism and colorism, ableism, classism and income inequality, ageism, heteronormativity (including sexism, homophobia, and transphobia), fatphobia, anti-Semitism, Islamophobia

<https://www.pacesconnection.com/blog/what-is-structural-violence>

Racial Justice & Racial Equity

Racial Justice is the goal

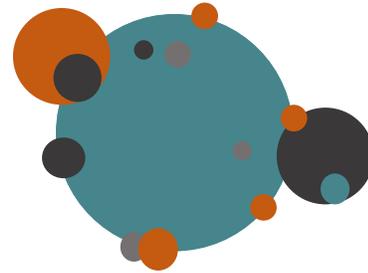
Racial Equity is a process

Distinction between Racial Equity and Racial Justice: Racial equity is the process for moving towards the vision of racial justice. Racial equity seeks measurable milestones and outcomes that can be achieved on the road to racial justice. Racial equity is necessary, but not sufficient, for racial justice. *From Race Forward*

Consider Racism as Trauma...

- Racism is a chronic trauma.
- Trauma impacts decision-making and goals.
- The trauma of racism is a community trauma that crosses generations. It is impossible to witness continued harms against people you identify with and not be impacted.
- This is compounded with the trauma experienced by domestic violence survivors as they seek services from various institutions and programs.

What is Intersectionality?



Intersectionality



Exercise: Turn to your Neighbor & Discuss

- What communities are present in your jurisdiction?
- What are some intersections that you can think of and how might they affect those trying to utilize the court system?

Acknowledging Intersectionality

- ▶ Survivors should be able to choose and change their minds about which lane to take to justice, safety and healing.
- ▶ Court personnel should understand the nuanced circumstances around domestic violence and sexual assault cases and the various ways that trauma presents itself.

There is no such thing as a single-issue struggle because we do not live single-issue lives.

Audre Lorde



Courthouse Experience

Survivors can feel confusion, withdrawn, distrust, frustration, and anxiety

They can feel ignored or disrespected by court staff, bench, attorneys

- ▶ What can we do?...

25

What is Procedural Fairness/Justice?

- ▶ The **perception** that you are being treated with **respect** and your concerns are being taken **seriously**.
- ▶ It is the very essence of justice and the justice system: it's about **due process** and allowing litigants their **day in court**.
- ▶ It impacts a victim's willingness to view the **court as a resource** and the respondent's **willingness to comply** with orders.

26

Video Clip on Procedural Justice

<https://www.youtube.com/watch?v=i8OgypRCEqY>

27

Main Tenets of Procedural Justice

- ▶ **Voice.** Litigants have an opportunity to be heard, to have their 'day in court'.
- ▶ **Respect.** Litigants are treated with dignity and respect by judges, attorneys, and court staff.
- ▶ **Neutrality.** Litigants perceive that the decision-making process is unbiased and trustworthy.
- ▶ **Understanding.** Litigants understand the case outcome, their rights, and what is expected of them in order to comply with court orders.

28

Why We Should Care: Our Responsibility as a Court

- Provide an **impartial and safe** forum for the resolution of disputes
- **Ensure access** to the court process for all who seek it
- Manage court work so that it promotes **transparency**, and fair and **timely disposition** of the case
- **Deter** criminal behavior, **rehabilitate** and hold individuals **accountable**
- Exercise **community leadership** among other justice-related agencies

29

Public Perception

- ▶ **Confidence in the criminal justice system** (including courts) has dropped
- ▶ **Judicial Branch completely interconnected**
- ▶ Actions of other agencies and **"spill over"** effect
- ▶ Racial divide

30

Procedural Justice & Domestic Violence

- DV cases involve specific challenges: particularly for safety, transparency, due process
- High levels of risk (of further violence and lethality) heighten need for Defendant/Respondent accountability and compliance with court orders

31

Procedural Justice & Domestic Violence

- Trauma impacts victim behavior and will color how victims perceive their court experiences and **respond to interventions and legal processes.**
- Building trust with litigants promotes **safety**, and **accountability**, and chance for **healing and recovery**

32

How the Public Experiences Court Culture

- Depending on case type:
 - Different doors to different courtrooms
 - Different legal terms
 - Different legal remedies, consequences
 - Different legal rights, resources
 - Different interventions, options for recovery

33

What about accessing services?

Procedural fairness also applies outside the legal system.

How do the tenets of procedural fairness apply to survivors accessing services?

34

Implementing Procedural Justice

Reflect and Share on Flipcharts

Voice **Respect**
Understanding **Neutrality**

Decide on 2 or 3 strategies you already use or will use for procedural fairness –

- 1) For your **personal** behavior
- 2) For your work processes/environment

35

In summary...

- ▶ Procedural Justice is just one factor in People-Centered Practices
- ▶ People-Centered Practices should also encompass
 - Trauma-informed care
 - Equity
 - Harm reduction
 - Participatory research

36



Questions?

37

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