

Cultural Competence: Nova Scotia Public Prosecution Service

**Prepared by:
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Cultural Competence Propositions

- The role of Crown Attorney:
 - FAIR presentation of evidence
 - pursuit of a PROPER verdict
 - Service of the PUBLIC INTEREST
- PPS Equity & Diversity Committee
 - Enhance EQUITY and DIVERSITY
- Marshal & TRC
 - Reduce the effects of SYSTEMIC DISCRIMINATION

Cultural Competence: Definition

- Cultural competence refers to an ability to interact effectively with people of different cultures:
 - A. Understand our own cultural positions and how they differ from others
 - B. Understand the different social and cultural realities we work in
 - C. Cultivate appropriate attitudes towards cultural difference
 - D. Generate and interpret a variety of verbal and non-verbal responses
 - E. Understand structural oppression and commit to social justice

A) Nichols' Model for Understanding Cultural Difference

- Different world cultures developed out of differing physical environments.
- These world views have differing constructs:
 - Axiology (values)
 - Epistemology (way of knowing)
 - Logic (principles of reason)
 - Process (practice of reason)
- Philosophical Perspective on Cultural Difference. Edwin Nichols (cf. work of Jung)

THE PHILOSOPHICAL ASPECTS OF CULTURAL DIFFERENCE DEVELOPED BY EDWIN J. NICHOLS, PH.D.

| ETHNIC GROUPS ETHNIC WORLDVIEW | AXIOLOGY | EPISTEMOLOGY | | | LOGIC | PROCESS |
|---|---|---|--|---|--|---|
| | | APPLIED | PEDAGOGY | METHODOLOGY | | |
| EUROPEAN EURO-AMERICAN | Member-Object The highest value lies in the object or the acquisition of the object | One knows through Counting and Measuring | Parts to Whole | Linear and Sequential <i>-Assembly line-</i> | Dichotomous <i>Either/Or</i> <i>-Newtonian theory-</i> | All sets are repeatable and reproducible <i>-Technology-</i> |
| AFRICAN AFRICAN AMERICAN LATINO/A ARAB | Member-Member The highest value lies in the relationships between persons | One knows through Symbolic Imagery and Rhythm (function) <i>-Gladwell <u>Blink</u>-</i> | Whole Holistic Thinking <i>-The BIG picture-</i> | Critical Path analysis <i>-Cut to the chase-</i> | Diunital <i>Union of opposites</i> Difrasismo <i>-Aztec thought-</i> The In Between <i>Ibn 'Arabi</i> <i>-Quantum theory-</i> | All sets are interrelated through human and spiritual networks <i>-Black church-</i> |
| ASIAN ASIAN AMERICAN POLYNESIAN | Member-Group The highest value lies in the cohesiveness of the group | One knows through Transcendental Striving <i>-Tree the forest-</i> | Whole and parts are seen simultaneously <i>-To read a Chinese word-</i> | Cyclical and Repetitive <i>-Stroke order in writing a Chinese word-</i> | Nyaya <i>-The objective world is conceived independent of thought and mind-</i> <i>-Chaos theory-</i> | All sets are independently interrelated in the harmony of the universe <i>-Keiretsu-</i> |
| NATIVE AMERICAN | Member-Great Spirit The highest value lies in oneness with the Great Spirit | One knows through Reflection and Spiritual Receptivity <i>-Purification rites-</i> | Whole is seen in cyclic movement <i>-Seasons-</i> <i>-Medicine Wheel-</i> | Environmentally experiential reflection <i>-Rites of Passage-</i> | Great Mystery <i>-A set of 4 and a set of 3 form the whole-</i> <i>-Super string theory-</i> | All sets are interrelated through the elements, plant, animal, and spiritual networks <i>-White Buffalo-</i> |

Traditional Ecological Knowledge

- Nichol's Model is consistent with a growing understanding and articulation of Aboriginal Traditional Ecological Knowledge: a practice and belief which concerns itself with the inter relationship of all living things with and within their environment.

Africentricity

- The assertion of a worldview that places all people of African descent at its centre, asserts a common culture, philosophy, and history, and critiques, and perhaps even rewrites global history from this perspective

Bottom Line

People are Different
And we can not treat
different peoples as if we
were all the Same

B) Social, Cultural, Historical Context

- North American Diversity is fraught with complicated and tragic history
 - **Enslavement of Africans, Genocide of First Nations, Global strife resulting in trans-global immigration etc.**
- A local knowledge of how our racist history is a living legacy is necessary: Africville, Cornwallis

(Aylward talks of the need for this knowledge to aid in our ability to “spot issues”)

C) Appropriate Attitudes

- Cultural competence requires that practitioners VALUE diversity.
- In a nation that acknowledges multiple founding peoples, that was built up on the foundation of ethnic/immigrant labour, and whose future depends on immigration, any other attitude should reasonably be seen as unacceptable.

Appropriate Attitudes for PPS

- Given Marshall, The TRC, OCI's 2013 report, and that access to justice is among the most pressing issues in criminal justice today, diversity, inclusion and cultural competence should reasonably be understood as an essential skill and value set.

D) Communicating Across Cultures

- In sociology: the context of a person's world view is necessary for the proper understanding and interpretation of behaviour and rhetoric (Voyvodic, pp. 16, 17)

Elmar Holenstein

- Before meaningless, unnatural, non-human or immature behaviour and corresponding values are attributed to people of another culture, it is better to begin by doubting the adequacy of one's own judgment and knowledge

Elmar Holenstein Paraphrased

Before you conclude that I
am crazy you should consider
the possibility that you are
stupid!

E) Social Justice Commitment

- We must
 - understand the nature of privilege
 - demonstrate an awareness of structural discrimination
 - demonstrate an active anti-racism/anti-discrimination programme
- What does this look like at PPS?

Advent of Cultural Assessments

- BLAC Report, RCH in Education, BEA, CACE, DBDLI, Marshall Inquiry, TRC, Critical Race Theory, Gladue, OCI, Cultural Competence Guidelines in Health . . .
- The whole world is acknowledging that current and continuing injustice is related to historic. Cultural Assessments bring this general and specific information into court for consideration.

R v. "X"

Boy gets 3 years in custody for 2013 shooting

THE CHRONICLE HERALD

✉ newsroom@herald.ca

🐦 @chronicleherald

A 17-year-old boy has been given a

and their grandfathers are brothers. They had known each other since they were very young, but their relationship began deteriorating by elementary school and their arguments and fights began

Culture Assessment - Commissioned

- Crown wanted an adult sentence
- Defence argued for youth sentence
- Section 34 assessments all characterized youth as a “remorseless, manipulative and sophisticated criminal”
- CA commissioned to give race lens

Cultural Assessment - Constructed

- Borrows from legacy of Gladue (718.2e)
- Explores socio-cultural reality of ANS experience
- Explores unique experience of offender
- Offers considerations of experience in sentencing
- Recommends rehabilitation and reintegration services
- Comments on utility of section 34 reports**

Other Cultural Considerations

- Substantive areas of law affect Aboriginal and Immigrant persons
 - Property and inheritance rights
 - Minor criminal matters interfering with residency
- Women experience particular challenges under the law

Workplace Diversity

- Caution is necessary
- Diversifying a workplace requires:
 - Preparing new employees for hostility
 - Preparing current employees for changed dynamic
 - Having an active cultural competence programme

Q&A



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