

Introduction to Cultural
Competency: The Convergence of
Dead-Naming and Mis-Gendering
and its Impact on Inmate
Belonging, Safety and Security

Assistant Dean
Jermaine Cruz

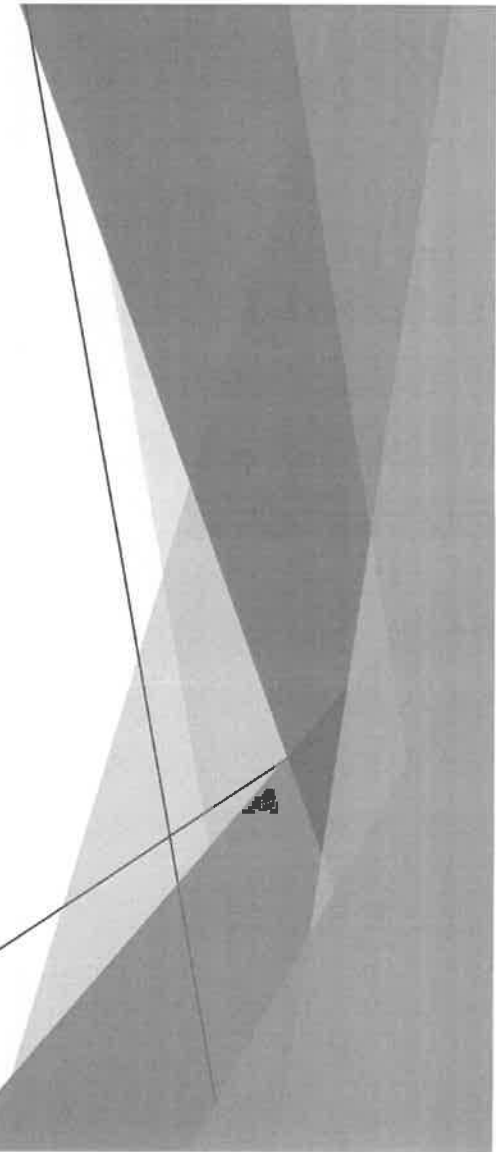


Introduction to Cultural Competency: The Convergence of Dead-Naming and Mis- Gendering and its Impact on Inmate Belonging, Safety and Security

Prepared for: County Attorney's Association of New York
Presented by: Jermaine Cruz
Assistant Dean for Diversity & Inclusion, Albany Law School
Owner & Principal Consultant, Jay Maine Consulting, LLC
Email: jemuz26@gmail.com

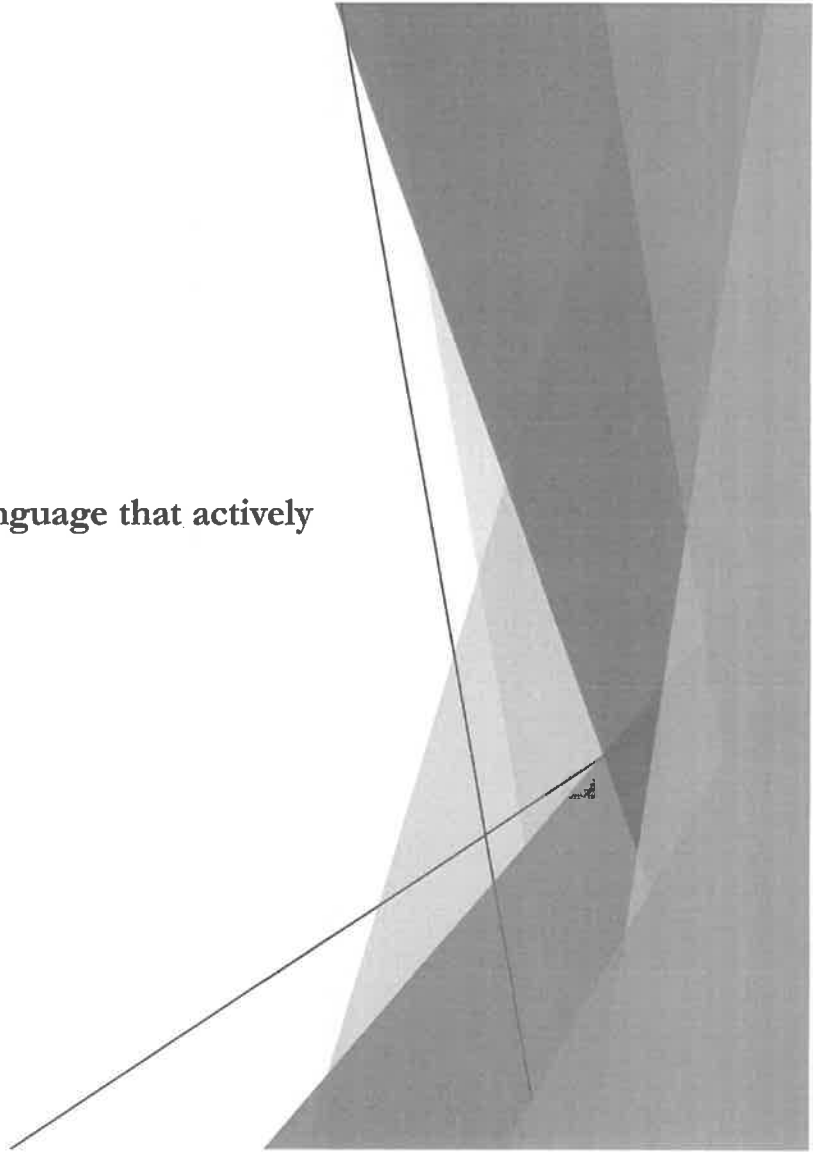
Today's Road Map

- ▶ Set ground rules for our conversation today
- ▶ Introduce, define and explore the concept of Cultural Competency
- ▶ Introduce the Cultural Iceberg as a tool for developing Cultural Competency
- ▶ Explore the gender identity/expression challenge in New York State jails as identified by the members of CAASNY
- ▶ Identify how Cultural Competency interacts/applies to the gender identity/expression challenge identified by members of CAASNY
- ▶ Introduce “Design Systems Thinking” as a tool to potentially find resolution to the gender identity/expression challenge in New York State jails



Ground Rules

- ▶ Listen actively and deeply
- ▶ Accept one another's reality
- ▶ Ask compassionate questions
- ▶ Use "I" statements
- ▶ Remember we are talking about people, not objects. Use language that actively humanizes the discussion
- ▶ Use the words, do not use code language
- ▶ Challenge yourself
- ▶ Expect and accept non-closure
- ▶ Expect to experience discomfort
- ▶ Allow others to learn what you already know
- ▶ Confidentiality – take the stories, leave the names
- ▶ Take care of yourself



Culture Defined

Culture

- *Culture is a way of life of a group of people – behaviors, beliefs, values, roles, and symbols that they accept, generally without thinking about them.*

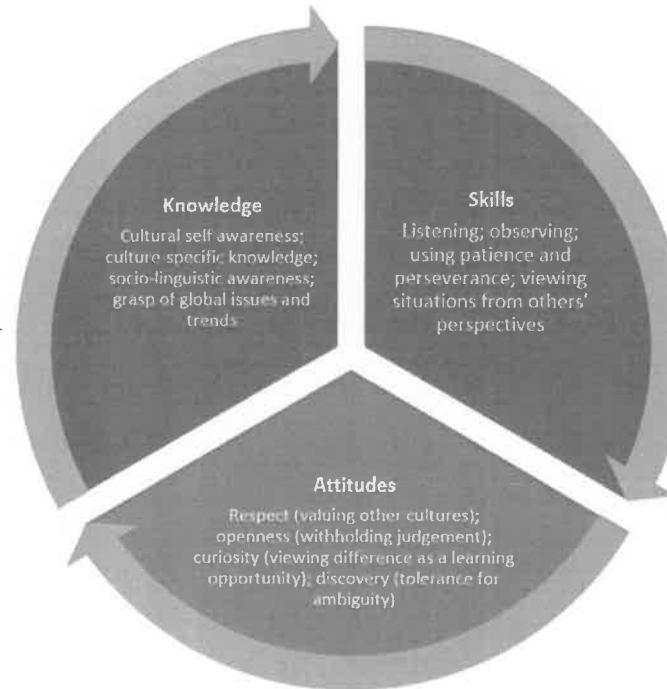


WHAT IS CULTURAL COMPETENCE?

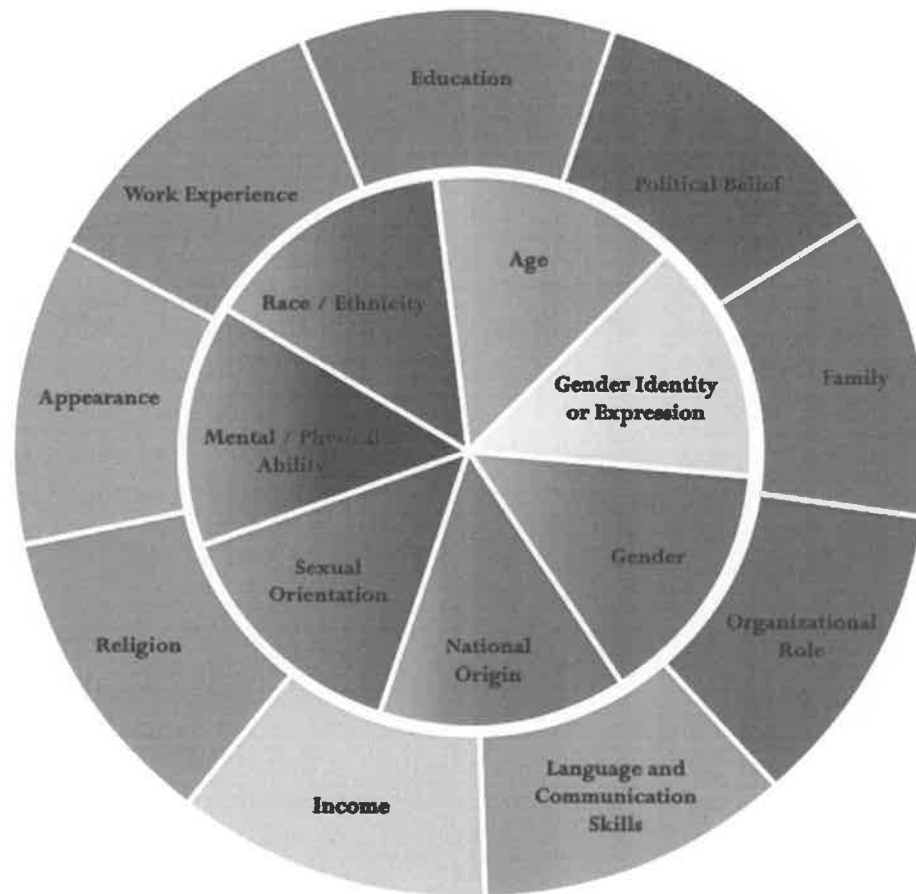
Cultural competence is a journey to increase proficiency in intracultural and intercultural knowledge.

Key Components:

- Awareness of your own cultural worldview;
- Awareness of your attitudes towards cultural differences;
- Knowledge of different cultural practices worldwide; and
- Enhancing cross-cultural skills.



What Factors Influence Cultural Competency?

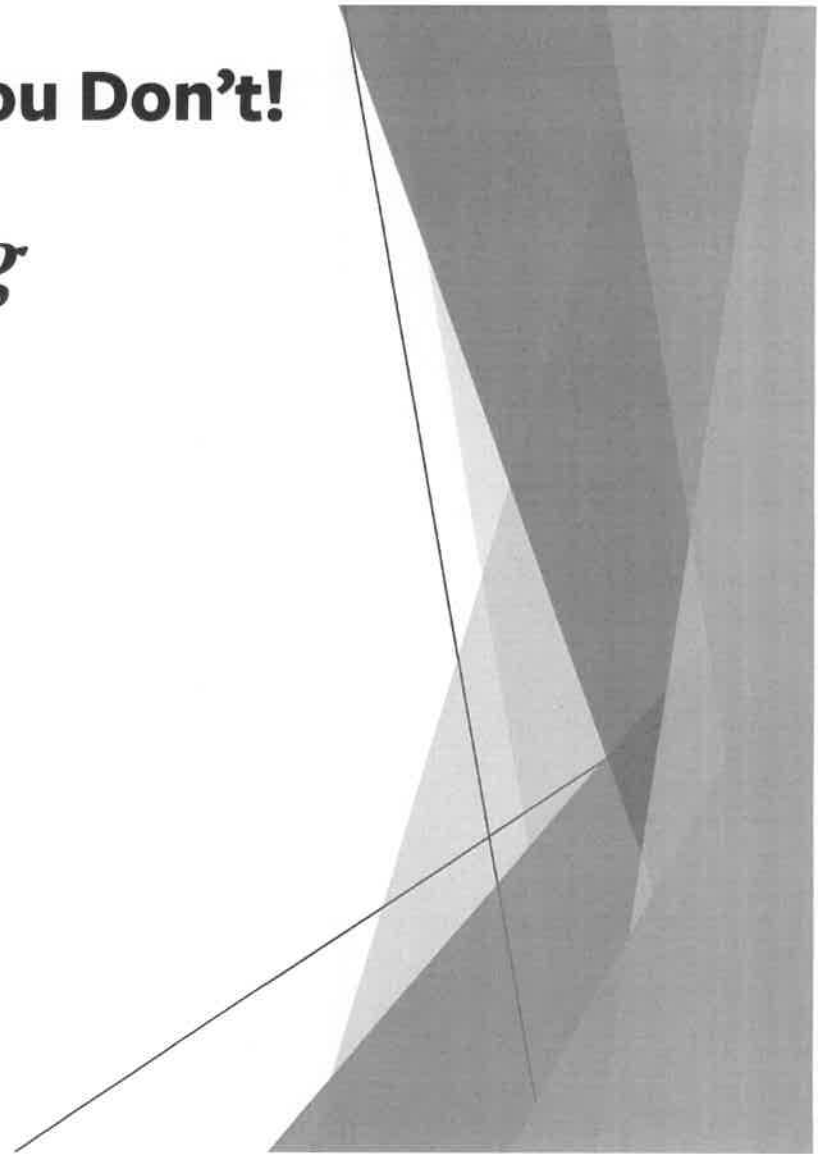
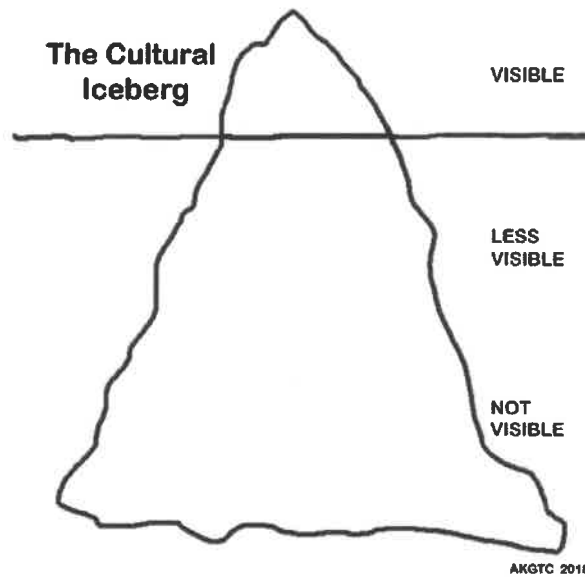


Loden & Rosener Diversity Wheel (1991)

Culture: What You See and What You Don't!

The Cultural Iceberg

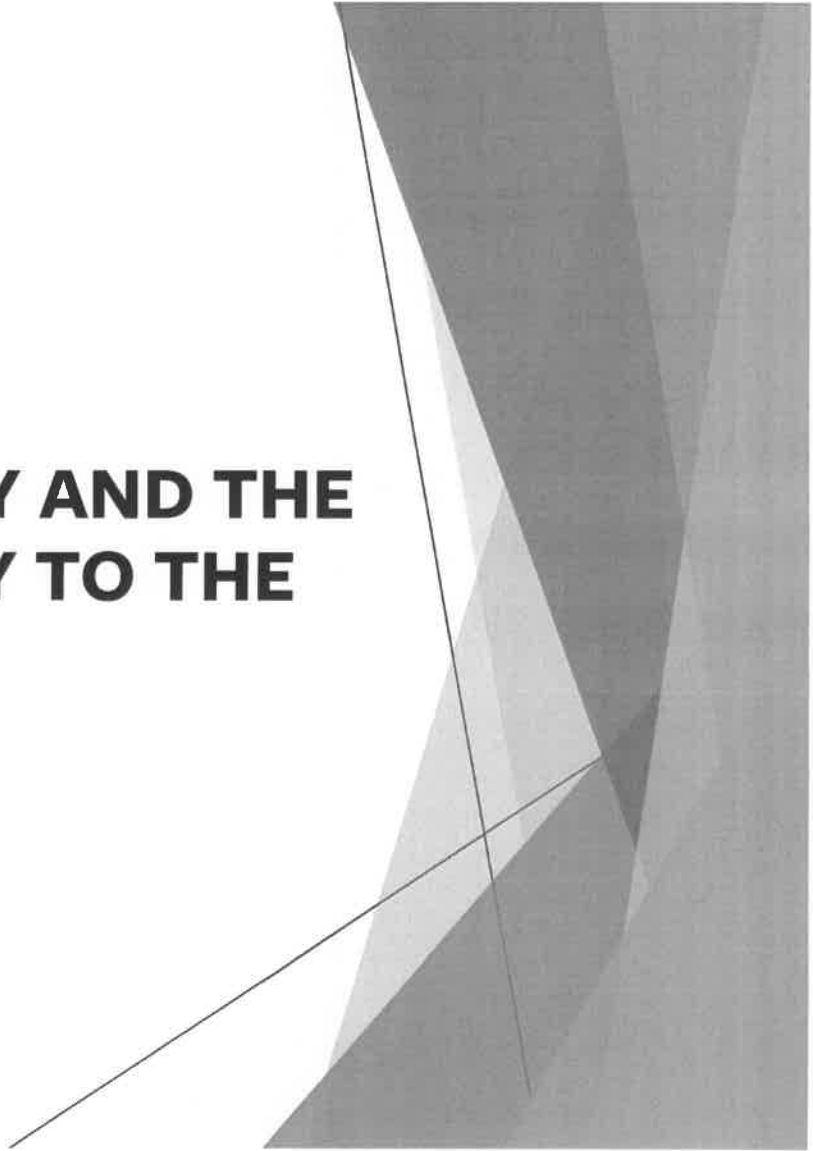
https://youtu.be/u37t0u-4BTI?si=SRvDmnKgWt_xCPg-



NAME THE CHALLENGE/PROBLEM



HOW DO CULTURAL COMPETENCY AND THE CULTURAL ICEBERG MODEL APPLY TO THE CHALLENGE IN FRONT OF US?



Some Things to Consider

- *Biological “sex” at birth does not always match gender identity.*
- *Misgendering is used as a method of asserting dominance/aggression.*
- *Dead naming is used as a weapon of invalidation and causes deep emotional and psychological harm.*
- *Transgender/Gender non-conforming individuals are deemed to be opening themselves up to violence and unwanted sexual conduct.*
- *Having “chosen” this life, they are considered to be responsible for their own protection.*
- *Being forced to live as gender you do not identify with/as = psychological violence?*

Some Things to Consider

- *Prisons/jails operate on rigid gender binaries. This ignores gender expression/identity.*
- *Transgender/gender non-forming prisoners often housed in dormitories based on their biological “sex” at birth.*
- *High incidence of abuse/mistreatment of transgender and non-gender conforming individuals who are/have been incarcerated (verbal, physical, psychological and sexual abuse).*
- *Transgender/gender non-conforming inmates are often punished for attempting to socially transition through their gender expression.*
- *There is a history in prison/jail systems of indifference to substantial risk of serious harm to transgender/gender non-conforming incarcerated individuals.*
- *“Protection” most often comes in the form of solitary confinement which has significant psychological impact (limited access to prison/jail programs and social interaction).*
- *“Protection” by means of segregation is often counterproductive. Isolation prevents relationship formation and opportunities for solidarity/alliance which may decrease becoming victims of violence.*

External Culture (The Tip)

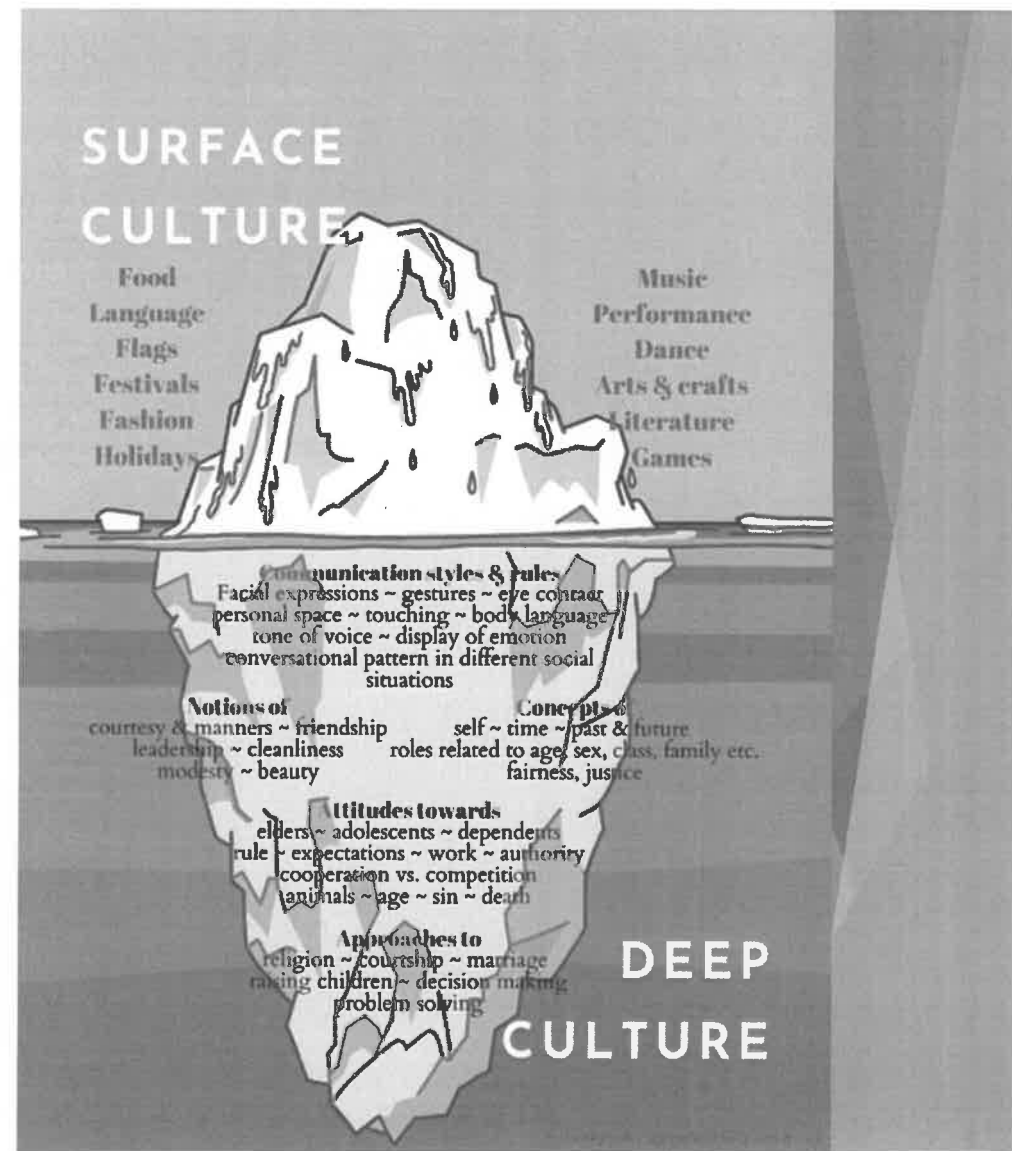
- *Conscious awareness/understanding/compliance*
- *Easily Changed*
- *Based on objective knowledge*
- *Behavior/beliefs*

Internal Culture (Below the Surface)

- *Inherent*
- *Unconscious*
- *Difficult to change (not always known/visible)*

When we focus only on the tip (external culture) we ignore what is below the surface (internal culture).

Our internal culture is the core of who we are as individuals.



How Can We Use Design Systems Thinking to Develop Resolutions to the Challenge?

Systems Thinking Defined:

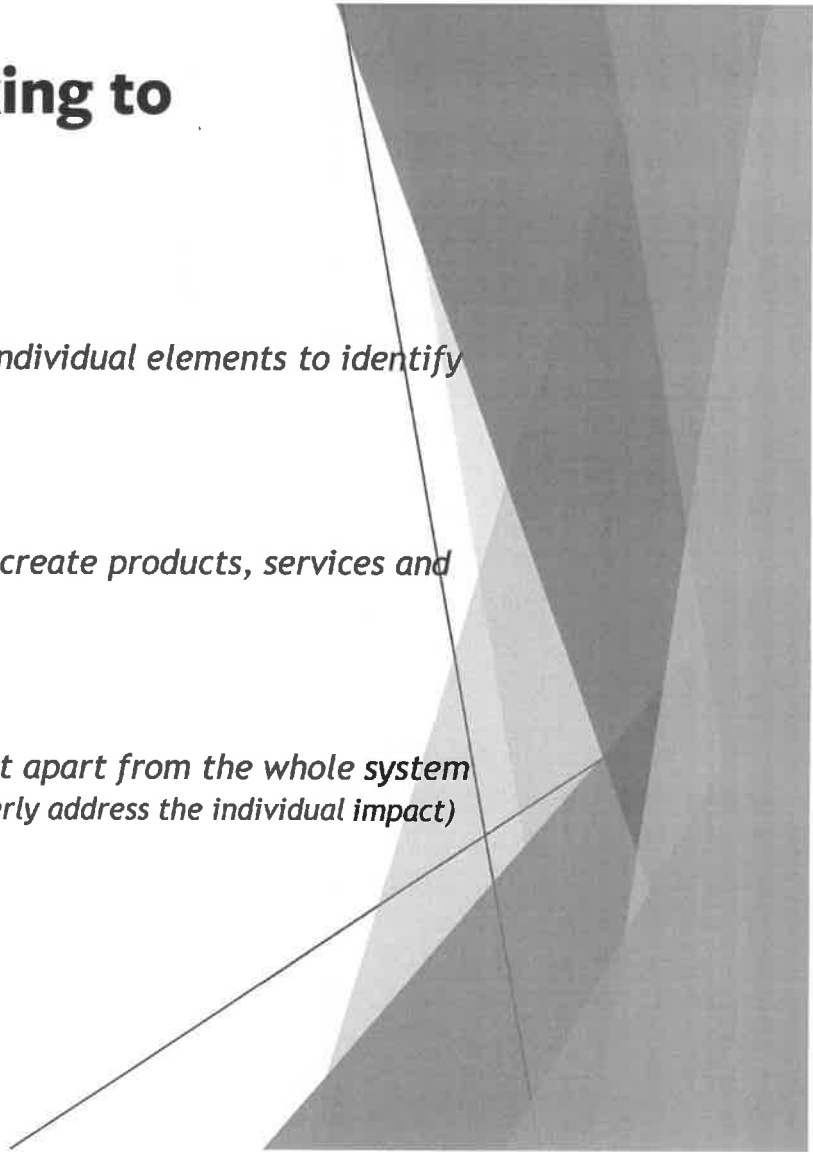
An approach that focuses on understanding the whole system, rather than individual elements to identify opportunities for change.

Design Thinking Defined:

A process that focuses on understanding the needs of individuals/people to create products, services and processes.

Design Systems Thinking is:

- *An approach that analyzes problems in a specific and appropriate context apart from the whole system*
- *Holistic (you must understand the whole and its flaws prior to being able to properly address the individual impact)*
- *Analytical*
- *Abstract*
- *Conceptual*
- *Relationship-oriented*
- *Deeply human*
- *Experimental*



Implementation of Design Systems Thinking

- **First, we must acknowledge that the rule of law and the justice system while necessary and effective is also complicit in the design of systems which result in oppression.**
- **Second, we must acknowledge that bad design and flawed systems can hurt people.**
- **Third, we must identify, with specificity, the challenge/problem and affirm that we are trying to develop positive alternatives and commit to the process.**

The Process of Design Systems Thinking

Phase One:

1. Who are the relevant [user] groups/people?
2. What are their pain points?
3. What are their needs?
4. Development of specific needs statement based on definition of the challenge/problem, and identification of [user] groups/people, pain points, and needs.

Phase Two:

1. Empathize (try to understand people being impacted outside of your own bias or personal views)
2. Define (the problem)
3. Ideate (generate ideas)
4. Prototype (creation/experimentation with different solutions-based products/processes)
5. Test (refine product/process)
6. Implement

Sources/Recommended Reading

Gabriel Arkles, *Safety and Solidarity Across Gender Lines: Rethinking Segregation of Transgender People in Detention*, 18 TEMP. POL. & CIV. RTS. L. REV. 515 (Spring 2009)

Jessica Szuminski, *Behind the Binary Bars: A Critique of Prison Placement Policies for Transgender, Non-Binary, and Gender Non-Conforming Prisoners*, 105 MINN. L. REV. 477 (November 2020)

Richard Saenz, *A Crisis Behind Bars: Legal Issues Impacting Transgender People in Prison*, 38 WTR. CRIM. JUST. 3 (Winter 2024)

Sydney Tarzwell, *The Gender Lines are Marked with Razor Wire: Addressing State Prison Policies and Practices for the Management of Transgender Prisoner*, 38 COL. HUM. RTS. L. REV. 167 (Fall 2006)

Chan Tov McNamarah, *Misgendering*, 109 CAL. L. REV. 2227 (March 2024)

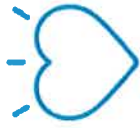


PennState
Dickinson Law



ANTIRACIST
DEVELOPMENT INSTITUTE

DESIGN THINKING



Empathize
Understanding
people



Ideate
Generating
your ideas



Define
Figuring out
the problem

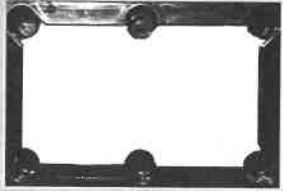
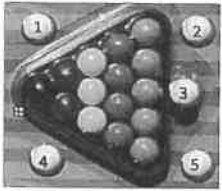
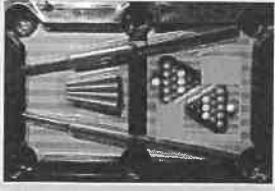
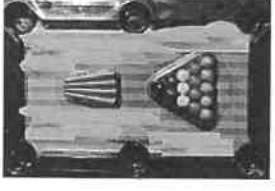



Test
Refining
the product



Prototype
Creation and
experimentation

Design Thinking Tools

thinking tool	description	Example
task unification	reusing part of an object or process to provide new functionality or added value	include a white board overlay, magnets, and markers as an additional play feature 
multiplication	replicating part of an object or process and changing it in a value added (quantitative) way	increase the number of cue balls and number each one to expand the play possibilities 
division	separate and rearrange parts of an object or process in new and unconventional ways	divide the play field into two sections for "head-to-head" play; maybe the center pockets allow balls to travel back and forth? 
subtraction	eliminate components or attributes of an object or process, even ones deemed necessary (or especially!)	remove cue sticks and cue ball; players could use a leg to push balls 
alternative worlds	study similar objects or processes in other industries or disciplines for fresh ideas	add a plastic cover and straps on the back to make it wearable, as runners might with devices To learn more: LUMA Institute. "Alternate Worlds." https://www.luma-institute.com/alternative-worlds/ 
attribute dependency	overcome relational fixedness by adding, changing, or removing the attributes that bind object or process components together	<ul style="list-style-type: none"> relational fixedness is more abstract, and thus more challenging to address Examples: <ul style="list-style-type: none"> airline pilots are men, and flight attendants are women car transmissions are always automatic or manual To learn more: https://drewboyd.com/the-attribute-dependency-technique-three-ways-to-create-smart-products/
brainstorming	Consider how pain points can be addressed creatively without use of any framework or thinking tools	<ul style="list-style-type: none"> Aggregate and collect as many ideas as possible Important to establish clear rules for effective coordination To learn more: https://www.interaction-design.org/literature/topics/brainstorming

Problem Statement:

	<i>Design Principle #1</i>	<i>Design Principle #2</i>	<i>Design Principle #3</i>	Additional Ideas
<i>Thinking Tool #1</i>				
<i>Thinking Tool #2</i>				
<i>Thinking Tool #3</i>				
<i>Thinking Tool #4</i>				

Additional Reading: LUMA Institute. "Creative Matrix." <https://www.luma-institute.com/creative-matrix/>