Cultural Differences in Code Enforcement

“We must learn to live together as brothers or perish together as fools.”

Martin Luther King, Jr.
Cultural Differences in Code Enforcement

Georgia has a very diverse population, many segments of which are unfamiliar with the property maintenance expectations of the local governments where they live. The work of the code enforcement officer can be significantly enhanced by knowing more about the languages and cultures of diverse groups. This session will give participants insights into interacting with greater cultural sensitivity, and to do so in a manner that is more likely to result in cooperation with code enforcement officers and in compliance with their requests.

Performance Objective

Given an opportunity for classroom discussion, students will be able to describe the role of cultural competency in code enforcement and articulate the dangers of bias in government.

Enabling Objectives

• Define culture
• Define diversity
• Define cultural competency
• Describe the course’s “Three Part Model for Envisioning Diversity in the Spirit of Public Service”
• Discuss the role of the law in minimizing bias in enforcement in diverse environments
• Describe the social and psychological aspects of enforcement in diverse environments
Course Standards

Each student must:
• Attend the entire course
• Participate in class discussions and exercises when appropriate
• Successfully complete the course exit exam

Why does this topic matter… to you?

Because…
• You’re a dedicated employee, and you want to do good work
• You’re aware of the effects your work has on society
• You’re committed to serving your community
• You believe in representative government
First Thing that Comes to Your Mind…

How are you different?

Skill Development

Knowledge, skills, and abilities

Knowledge, skills, and attitudes

Effective or Affective?

- Effective: producing a result that is wanted; having an intended effect
- Affective: relating to, arising from, or influencing feelings or emotions; expressing emotion

http://www.merriam-webster.com/dictionary/effective
http://www.merriam-webster.com/dictionary/affective
What Is “Culture”?

- The customary beliefs, social forms, and material traits of a racial, religious, or social group; also the characteristic features of everyday existence…shared by people in a place or time
- The set of shared attitudes, values, goals, and practices that characterizes an institution or organization

http://www.merriam-webster.com/dictionary/culture

What Is “Diversity”?

“The differences, similarities, and related [potential] tensions that exist in any mixture…. Diversity is not limited to issues of race and gender, nor is it confined to the workforce.”

(Roosevelt Thomas, Jr., in Building on the Promise of Diversity, 2006, p. xi)
What Is “Diversity”? 
- How are we diverse?

- Race
- Ethnicity
- Gender
- Religion/belief
- Age
- Nationality
- Speech
- Sexual identity
- Political affiliation
- Regional origin
- Physical/cognitive ability
- Marital status
- Veteran status
- Work experience/profession
Activity: Write down the first thing that comes to mind for the following:

- Politician
- Homeless person
- Lawyer
- Black male teenager
- Professor
- Police officer
- Non-English speaker
- High school dropout
- Man in a wheelchair
- Farmer
- Californian
- 300-pound Woman
- 6'9" tall man
- Person with lots of tattoos and piercings
- Yoga teacher

Be Careful of the Single Story
Quality Decisions

“Decisions aligned with the goals of a larger entity... and the individuals within it.”

(Thomas, 2006, p. xi)

Acknowledging Your Cultural Heritage

1. What ethnic group do you belong to?
2. What socioeconomic class do you belong to and why?
3. Do you associate yourself with a religion or a belief system? If so, which one?
4. What communities do you belong to?
5. What bias, stereotyping, and/or discrimination have you experienced?
6. When you were growing up, what did your parents and significant others say about people who were different from your family?

Maslow's Stages of Learning

- We know what we don't know
- We don't know what we don't know
- I can do it if I think about it
- I can do it with effort
- I can do it without thinking about it
- Consciously Incompetent
- Unconsciously Incompetent
- Consciously Competent
- Unconsciously Competent
This Topic Includes…

• Legal aspects
• Policy aspects
• Public relations aspects
• Educational aspects
• Emotional aspects
• Therefore…

Envisioning diversity in the spirit of public service

Effective or Affective?

Adherence to the law and “first principles”

Primum non nocere

Deep attention paid to context

Emotional Empathy

Emphasis on communication skills and perceptions of justice

Empathy

Ideal

Expert

Social/psychological

Educational

Important

Skilled

Legal

Required

Qualified

Emotional

Three part instructional model for envisioning diversity in the spirit of public service © 2015, P. Daniel Silk.

Three part instructional model for envisioning diversity in the spirit of public service © 2015, P. Daniel Silk.
 Legal

14th Amendment

• Citizenship
• Due process
• Incorporation
• Equal protection

The 14th Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

“These provisions are universal in their application to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality, and the equal protection of the laws is a pledge of the protection of equal laws.”

Yick Wo v. Hopkins, 1886
Civil Ramifications

<table>
<thead>
<tr>
<th>42 U.S.C. 1983</th>
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<tbody>
<tr>
<td>The deprivation of any rights, privileges, or immunities secured by the Constitution and laws...</td>
</tr>
<tr>
<td>By someone acting under color of law.</td>
</tr>
<tr>
<td>Applies to all citizens or other persons under the jurisdiction of the United States.</td>
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<th>42 USC 14141</th>
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<td>Unlawful for any governmental authority to engage in a practice of conduct by law enforcement officers to deprive a person of rights protected by the Constitution.</td>
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<th>42 U.S.C. 2000d</th>
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<tr>
<td>No person in the United States shall, on the ground of race, color, or national origin, be subjected to discrimination under any program receiving Federal financial assistance.</td>
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<tr>
<td>Applies to governments/agencies receiving federal funding.</td>
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Criminal Ramifications

• 18 U.S.C. 241
  • Conspiracy of two or more persons to violate the civil rights of another

• 18 U.S.C. 242
  • The violation of the civil rights of another while acting under color of law

Biased Enforcement...

• Is illegal, unconstitutional, and unethical (with criminal and civil penalties)
• Limits enforcement effectiveness
• Alienates communities and fosters distrust of government
• Undermines officer integrity

“We conclude that EHPD engages in a pattern or practice of biased policing against Latinos in violation of the Fourteenth Amendment to the United States Constitution and federal law. Specifically, we have reasonable cause to believe that EHPD officers intentionally target Latinos for disparate traffic enforcement and treatment because of their race, color, or national origin.”

“Biased policing” or “biased-based policing” refers to discriminatory enforcement of the law based on categories that include race, color, national origin, gender, religion, age, and sexual orientation.”
The Role of Empathy

- The feeling that you understand and share another person's experiences and emotions
- The ability to share someone else's feelings

* http://www.merriam-webster.com/dictionary/empathy

The Role of Empathy

- Perspective taking
  - Empathic concern
  - Personal distress*
- Provide care and display care
- Develop “informed empathy”

Class Exercise: Empathy in Practice

• On a scale of 1-10, how skilled would you consider yourself at putting yourself “in the shoes” of the public?
• On a scale of 1-10, how often would you say you try to do so?

Procedural Justice

What affects an individual’s judgments regarding the fairness of encounters between enforcement and citizens?

Is it just a question of what is legal?

Procedural Justice

“The primary factor shaping decision acceptance... is the procedural justice of the process through which a decision was reached (Tyler, 2006). This factor is approximately seven times as important as either the favorability or the fairness of the outcome.”
How Do We Project Fairness?

“...provide people with opportunities for explanation before decisions are made; explaining how decisions are being made; allowing people mechanisms for complaint; and, in particular, treating people with courtesy and respect.”

(Tyler, 2013, p. 15)

Be What You Want to See: Mirroring

• “Imitation is pervasive and automatic in humans” (Iacoboni, 2009, p. 467)
• “When power-based tactics are used by one party, they are imitated by the opposing party” (Pruitt & Rubin, 1986, in Sunshine & Tyler, 2003, p. 520)
• “Officers who are more respectful of citizens are more likely to gain compliance” (McLuskey, Mastrakaki, & Parks, 1999, p. 407)
• “People perceived as warm and competent elicit uniformly positive emotions and behavior, whereas those perceived as lacking warmth and competence elicit uniform negativity” (Fiske, Cuddy, & Glick, 2004, p. 77)
Enforcement and Education

“From a legitimacy perspective, every encounter that the public have with [law enforcement], the courts and the law should be treated as a socializing experience that builds or undermines legitimacy. Each contact is a ‘teachable moment’ in which people learn about the law and legal authorities.”

(Tyler, 2011, 257)

Enforcement and Education

“Outreach between communities and [enforcement] is educational in nature, with the potential to be humanizing at different levels.”

(Silk, O’Rawe, & Spalek, 2013, p. 246)

Once you embrace this facet of enforcement, effective government becomes a reciprocal quest to learn and to teach.
Cultural Competency

“Cultural competence is a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals and enable that system, agency, or those professionals to work effectively in cross-cultural situations.”

(Cross, Bazron, Dennis, & Isacs, 1989, p. 13)

Components of Cultural Intelligence

• Cultural intelligence: an outsider’s seemingly natural ability to interpret someone’s unfamiliar and ambiguous gestures the way that person’s compatriots would.

https://hbr.org/2004/10/cultural-intelligence

So, where do we go from here?

• Make a conscious decision to establish friendships with people from other cultures.
• Put yourself in situations where you will meet people of other cultures.
• Examine your biases about people from other cultures.
• Ask people questions about their cultures, customs, and views.
• Read about other people’s culture’s and histories
• Listen to people tell their stories
• Notice differences in communication styles and values; don’t assume that the majority’s way is the right way
• Risk making mistakes
• Learn to be an ally.