



¿DÓNDE ESTÁ LA JUSTICIA?

A CALL TO ACTION ON BEHALF OF LATINO AND
LATINA YOUTH IN THE U.S. JUSTICE SYSTEM

DÍA DE LA JUVENTUD
ACTION PACKET
June 3, 2003

Building Blocks for Youth
For a fair and effective youth justice system

Dear Youth Advocate:

According to a Building Blocks for Youth report, "¿DÓNDE ESTÁ LA JUSTICIA?" the justice system treats Latino and Latina youth more harshly than white youth, even when youth are charged for the same types of offenses!

By utilizing this Action Packet and contacting Building Blocks for Youth, you can take action on Día de la Juventud, June 3, 2003 to:

- **A**ddress the Disparity and Over-representation of Latino and Latina Youth in the Justice System;
- **C**ollect Accurate and Separate Data on Latino and Latina Youth in the Justice System;
- **T**ransfer Youth out of INS Detention Facilities and Create Appropriate INS Detention Policies;
- **I**gnore Immigration Status of Latino and Latina Youth in Detention Decisions;
- **O**ffer Bilingual Services to Latino and Latina Youth in the System;
- **N**urture Effective Cultural Competency Policies among Staff Working with Latino and Latina Youth.

We hope you find this Action Packet useful in taking action in your community. For additional information, materials, contacts or to get more free copies of "¿DÓNDE ESTÁ LA JUSTICIA?" or this Action Packet, please call Michael Umpierre at 202/637-0377 x 119, email us at: umpierre@erols.com, or visit our website at: www.buildingblocksforyouth.org. Together we can work to end the discrimination and racism against Latino and Latina youth in the justice system.

Sincerely,

The Building Blocks for Youth initiative

Fact Sheet: Latino and Latina Youth in the Justice System

“¿DÓNDE ESTÁ LA JUSTICIA?” a comprehensive new report reveals that Latino and Latina youth are over-represented in the U.S. justice system, and receive harsher treatment than White youth *for the same types of offenses*, while the lack of adequate data nationwide masks the severity of the problem.

Key Findings:

- Latino and Latina youth are significantly over-represented in the U.S. justice system and receive harsher treatment than White youth, even when charged with the same types of offenses;
- Current means for collecting and accessing data are inadequate, resulting in under-counting and inaccuracies in reporting disproportionate representation and disparate treatment of Latino and Latina youth in the U.S. justice system;
- The system fails to provide adequate bilingual services to Latino and Latina youth;
- The system fails to ensure cultural competency of staff working with Latino and Latina youth;
- Consideration of the immigration status of Latino and Latina youth results in incarceration, deportation, and permanent separation from families;
- Anti-gang laws result in harsh and unfair consequences for Latino and Latina youth.

Major Recommendations:

Public officials, policy makers, and the justice system should:

- Eliminate racial profiling and policies based on racial or ethnic stereotypes;
- Collect data in a way that accurately counts Latino and Latina youth by separating them from White, African-American, and other youth;
- Employ bilingual and culturally competent staff to ensure better services to the Latino community;
- Reduce subjective or biased decision making by creating objective risk assessment instruments.

Latino communities, youth and families should:

- Get organized at a local level to pressure the justice system to be accountable to Latino communities and youth;
- Call for the active inclusion of youth voices in policy development and implementation;
- Form Latino advisory groups to guide policy making and implementation in the law enforcement and justice systems.

For more information and a copy of the executive summary and full report visit: www.buildingblocksforyouth.org

**Key Recommendations for
STATE LEGISLATORS
On Making the Justice System More Fair for Latino Youth**

- 1. Ensure that data on Latino youth is collected accurately.**
 - Conduct hearings on how the state collects data on Latino youth in the justice system.
 - Enact legislation and provide funding to ensure that data collection systems have categories for race and ethnicity that accurately account for Latino youth, and that collect data at all stages of the justice system (e.g. arrest, intake, detention, adjudication, disposition, probation, placement, waiver to adult court, jail, and prison).

- 2. Encourage cultural sensitivity within the justice system.**
 - Provide funding to train juvenile justice officials in cultural competence regarding specific Latino ethnic groups.
 - Encourage local justice systems to diversify their staff to reflect the racial and ethnic make-up of the community.

- 3. Seek to reduce racial disparities in the justice system.**
 - Sponsor and enact legislation that supports the development and use of community-based alternatives to detention.
 - Amend or repeal laws that may disproportionately impact Latino youth—such as laws providing long mandatory sentences for alleged gang involvement, drug laws with mandatory minimum sentences, and “three-strikes” laws.
 - Regulate or amend provisions giving prosecutors “direct file” authority to prosecute youth in adult criminal court, and require that waiver decisions be individualized and made by judges.
 - Repeal laws that allow automatic transfers of youth to the adult system.
 - Support laws that increase the minimum age of transfer to adult court to 18 years old.
 - Encourage your State Advisory Group (SAG) to include members from the Latino community, and to work on reducing disparities in the system.

**Key Recommendations for
COUNTY and CITY GOVERNMENT OFFICIALS
On Making the Justice System More Fair for Latino Youth**

- 1. Ensure that data on Latino youth is collected accurately.**
 - Review state data collection methods and forms.
 - Revise state data collection methods.
 - Ensure that data on Latino youth is disaggregated by ethnicity, that youth are allowed to self-identify their race and ethnicity, and that data is collected at all stages of the system.
 - Provide training to staff that collects data.
 - Emphasize the importance of accurate data and documentation.
 - Share data with policymakers and the community.
 - Conduct public hearings on how the county collects data on Latino youth in the justice system.
 - Report annually on data trends.
 - Utilize data in development of state plan.
 - Change policies and procedures to address the needs of Latino youth.

- 2. Raise citizen awareness on the disparities Latino youth face.**
 - Hold town hall meetings for citizens to provide information on the problems faced by Latino youth in the justice system.
 - Pass city/county resolutions recognizing the need to make the justice system fair for Latino youth.
 - Invite your State Advisory Group (SAG) to hold meetings in your community.

- 3. Seek to reduce racial disparities in the justice system.**
 - Support state legislation that:
 - Supports the development and use of community-based alternatives to detention.
 - Amends or repeals laws that may disproportionately impact Latino youth—such as laws providing long mandatory sentences for alleged gang involvement, drug laws with mandatory minimum sentences, and “three-strikes” laws.
 - Repeals automatic transfers of youth to the adult system and provisions giving prosecutors “direct file” authority to prosecute youth in adult criminal court.
 - Publicly recognize and support community-based alternatives to detention that are effective in rehabilitating youth.

**Key Recommendations for
JUVENILE JUSTICE OFFICIALS
On Making the Justice System More Fair for Latino Youth**

- 1. Ensure that data on Latino youth is collected accurately.**
 - Ensure that data collection systems have categories for race and ethnicity that accurately account for Latino youth.
 - Require data to be collected at all stages of the justice system (e.g. arrest, intake, detention, adjudication, disposition, probation, placement, waiver to adult court, jail, and prison).

- 2. Encourage cultural sensitivity within the justice system.**
 - Diversify juvenile justice staff to reflect the racial and ethnic make-up of the community served by the systems.
 - Train probation officers and juvenile justice personnel on cultural competency issues.
 - Provide written materials and verbal information in English, Spanish, and other languages spoken in the community.

- 3. Seek to reduce racial disparities in the justice system.**
 - Strive to place youth in community-based alternatives to detention programs.
 - Develop objective risk and needs assessment tools designed to determine whether each youth should be released.

Sample Individual Letter to a State Legislator

Dear State Legislator:

I am writing to bring your attention to an issue of serious concern to me -- the disparate treatment of Latino and Latina youth in the juvenile justice system -- and to request that you address this issue on the national "Día de la Juventud" by holding a public hearing in your community on Tuesday June 3, 2003.

Latino and Latina youth receive disparate and more punitive treatment than their White peers charged with the same types of offenses, according to a new report, "¿Dónde Está la Justicia?" commissioned by the *Building Blocks for Youth* Initiative. Available data actually under-count disparities because most states and the federal government fail to identify Latino youth in data collection, usually counting them as White.

The goal of the juvenile justice system since the beginning has been the recovery and rehabilitation of children and youth. Unfortunately, today's juvenile justice system is under attack with increasingly punitive policies that focus on punishment and incarceration, rather than the rehabilitation of youth. Key findings of "¿Dónde Está La Justicia?" show that Latino and Latina youth are incarcerated at higher rates, receive longer sentences, and receive harsher treatment than white youth even when charged with the same types of offenses. Current data means for collecting and assessing data are inadequate, resulting in under-counting and inaccuracies in reporting disproportionate representation and disparate treatment of Latino and Latina youth in the U.S justice system. The system fails to provide adequate bilingual services to Latino and Latina youth and fails to ensure cultural competency of staff working with Latino and Latina youth in the system. Consideration of the immigration status of Latino and Latina youth results in incarceration, deportation and permanent separation from families. Anti-gang laws result in harsh and unfair consequences for Latino and Latina youth.

As a state legislator there are several ways you can help make the system more fair for Latino youth. I urge that you take some of the following actions on the national "Dia de la Juventud", May 6, 2003:

1. Ensure that data on Latino youth is collected accurately.
 - Conduct hearings on how the state collects data on Latino youth in the justice system.
 - Enact legislation and provide funding to ensure that data collection systems have categories for race and ethnicity that accurately account for Latino youth, and that collect data at all stages of the justice system (e.g. arrest, intake, detention, adjudication, disposition, probation, placement, waiver to adult court, jail, and prison).
2. Encourage cultural sensitivity within the justice system.
 - Provide funding to train juvenile justice officials in cultural competence regarding specific Latino ethnic groups.
 - Encourage local justice systems to diversify their staff to reflect the racial and ethnic make-up of the community.
3. Seek to reduce racial disparities in the justice system.
 - Sponsor and enact legislation that supports the development and use of community-based alternatives to detention.
 - Amend or repeal laws that may disproportionately impact Latino youth—such as laws providing long mandatory sentences for alleged gang involvement, drug laws with mandatory minimum sentences, and "three-strikes" laws.
 - Repeal laws that allow automatic transfers of youth to the adult system and amend provisions giving prosecutors "direct file" authority to prosecute youth in adult criminal court.
 - Encourage your State Advisory Group (SAG) to include members from the Latino community, and to work on reducing disparities in the system.

I urge your serious consideration of my concerns and would appreciate a written response on the specific steps you will be taking to respond to my concerns. Thank you for your time and attention.

Sincerely,

[Insert your name and address]

Building Blocks for Youth
For a fair and effective youth justice system

The *Building Blocks for Youth initiative* is an alliance of children's advocates, researchers, law enforcement professionals and community organizers working to reduce the overrepresentation and disparate treatment of youth of color in the justice system and promote fair, rational and effective juvenile justice policies. The *Building Blocks for Youth initiative* published *¿DÓNDE ESTÁ LA JUSTICIA?* in July, 2002. This report was prepared by Francisco A. Villarruel and Nancy E. Walker with Pamela Minifee, Omara Rivera-Vázquez, Susan Peterson, and Kristen Perry of the Institute for Children, Youth, and Families at Michigan State University. The partners in the initiative are the Youth Law Center, American Bar Association Juvenile Justice Center/National Juvenile Defender Center, Juvenile Law Center, Justice Policy Institute, Minorities in Law Enforcement, and Pretrial Services Resource Center.

The *Building Blocks for Youth initiative* has developed a national campaign that includes 5 major components: Research, Analysis, Advocacy, Outreach, and Media Advocacy. The *Building Blocks for Youth initiative* provides juvenile justice advocacy, assistance, and materials to constituency groups promoting juvenile justice reform, with a particular emphasis on addressing racial disparities in the justice system. The initiative provides materials such as talking points on current juvenile justice issues for use with the media, a media advocacy tool kit on juvenile justice, and hosts conference call briefings on juvenile justice issues. If you represent a national, state or local organization involved in promoting juvenile justice reform and are interested in participating in the *Building Blocks for Youth Network*, fill out the participation form on the initiative's website at: www.buildingblocksforyouth.org.

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Building Blocks for Youth initiative
Youth Law Center
1010 Vermont Avenue, NW, Suite 310
Washington, DC 20005
Phone: 202/637-0377 x 119
Email: umpierre@erols.com
Website: www.buildingblocksforyouth.org