

i E speranza!



Awakening to the Strength of Latino Youth

Report on the 6th Annual Ethnic and
Cultural Diversity Training Conference

© Copyright 2001 by Coalition for Juvenile Justice

All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage and retrieval system without permission in writing from the publisher.

Inquiries should be addressed to the publisher:

Coalition for Juvenile Justice
1211 Connecticut Avenue, NW, Suite 414
Washington, DC 20036
202-467-0864; FAX 202-887-0738
email: info@juvjustice.org

This report is a product of the Coalition for Juvenile Justice (CJJ) and is supported by Grant #1995-JN-FX-K001 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S Department of Justice.

The points of view or opinions expressed in the report are those of the authors and do not necessarily represent the official positions or policies of OJJDP or the U.S. Department of Justice.

Acknowledgments

The State Advisory Group Chairs from all U.S. states and territories, as well as the District of Columbia, would like to thank the people who contributed to this report: State Advisory Group Members, State Juvenile Justice Specialists and participants at the 6TH Annual Ethnic and Cultural Diversity Training Conference.

We thankfully acknowledge the generous assistance of other volunteers who donated their time and energy to make this report possible. In particular, we thank the Ethnic and Cultural Diversity Committee, the Ad-hoc Committee of Editors, the Office of Juvenile Justice and Delinquency Prevention and the National Steering Committee. We also thank the staff of the Coalition's national office for their assistance during the inception, design and publication of this report.

Special recognition is due to Rasheed Newson, our staff writer responsible for researching and drafting this report. We are equally indebted to the many youth and professionals around the country who provided insights and data for this report. Finally, we offer heartfelt appreciation to the Latino communities who shared their rich experiences and wisdom to shape this report.

The conclusions reached and recommendations made are those of the Coalition for Juvenile Justice and not necessarily those of the commentators.

Table of Contents

| | |
|---|----|
| Executive Summary | 1 |
| Introduction..... | 5 |
| Pinpointing Grave Problems | 6 |
| Education: Making Schools Relevant and Useful | 7 |
| Health: Before Emergencies Arise | 9 |
| <i>Family Violence</i> | 10 |
| <i>Substance Abuse</i> | 11 |
| Immigrant Youth: An Invisible Population | 12 |
| The Juvenile Court System | 15 |
| Recommendations | 18 |



Executive Summary

Hundreds of Latinos gather for a lunch banquet. Over food, they lean in close, talk and laugh. They seem to never break contact with each other—a hand is almost always on the shoulder or arm of the person next to them. The Latinos at the luncheon are strangers but intimate. Puerto Ricans, Mexicans, Salvadorians, Cubans, and others mingle effortlessly. Distinctions are subtle and substantive. Some have fair skin and others are a rich brown. Many can speak streams of swift Spanish, while a few are comfortable holding conversations only in English. Political ideologies, interests and passions run the full spectrum. Most will never break bread together again. For this meal, however, they are of the same family.

More than 35 million Latinos live throughout the United States, and they interact like relatives with independent households—not always of the same mind but united, nonetheless, by heritage. Experiencing one of the fastest population growth rates in the nation, Latinos are projected to be the country's largest minority group by 2005.¹ Currently, more than one-third of Latinos are under age eighteen.² The sheer size and youthfulness of the U.S. Latino population will surely result in increasing impacts on the cultural, economic and political life of the nation. Already, since the release of the 2000 U.S. Census, media coverage and community awareness of Latino populations has heightened radically.

Yet, Latino families and Latino youth in particular do not have access to the resources they clearly need. Twenty-one percent of married Latinos with children lived in poverty in 1997, compared with six percent of white and nine percent of black families.³ Latino youth are also less likely to participate in early childhood education programs and less likely to have health insurance than their white and black peers.⁴

Laws, court systems and correctional facilities punish Latino children more severely and treat them more harshly than white youth. Findings cited in the landmark Youth Law Center report, *And Justice for Some* (Jones and Poe-Yamagata, 2000), help illustrate the inequality Latinos confront at every stage in the juvenile court system.ⁱ In 1993, Latino youth were three times more likely to be incarcerated than whites; on average, young Latino offenders were confined 112 days longer

ⁱ The “juvenile court system” consists of law enforcement agencies, officers of the juvenile and family courts, and detention and correctional facilities. “Juvenile courts,” another term often used in this publication, are but one component of the “juvenile court system.”



than white youth who had committed the same offenses and had comparable histories of delinquency. Sentencing inequities in certain states were especially striking. In California, for drug and weapon violations, Latino youth received sentences four or five times longer than those given to white youth who had committed the same violations.

To call attention to the racial disparities facing Latinos, the Coalition for Juvenile Justice (CJJ) sponsored the 6th Annual Ethnic and Cultural Diversity Training Conference, *Esperanza—Hope for Latino Youth in the Juvenile Justice System*. The conference was committed to identifying preventive strategies that will keep Latino youth from coming into contact with the juvenile court system; strategies that will rehabilitate young Latino offenders; strategies that will offer Latino children the opportunity to improve their lives; strategies that offer *esperanza*.

With the guidance and experience of Latino youth, service providers, advocates, elders and civil rights leaders at the conference, CJJ has found promising approaches and practices to support Latino youth as they mature. CJJ has also learned a few principles that can shape how society addresses the issues surrounding Latino youth and their families:

- 1 Latino children must be recognized as a population comprising distinctive ethnic groups with various cultures, needs and strengths;
- 1 Interaction with the education system for Latino youth and their parents/families must be a source of confidence that keeps youth engaged in learning and not a frustration that pushes them to the streets;
- 1 Comprehensive healthcare, encompassing mental healthcare, must be recognized as being critical to developing children's physical well-being, as well as a base for building self-esteem and emotional balance; and
- 1 Inequitable treatment of Latino youth, intentional or otherwise, must not be tolerated in the juvenile court system.

In keeping with these tenets, CJJ has crafted detailed policy and program recommendations cited at the end of this report.

Delinquency prevention is everyone's responsibility. Teachers must strive to serve the best interest of groups and individuals, no less than judges. Doctors must respond to emergencies and attend to subtle developing concerns, no less than police officers. All citizens need to reaffirm their commitment to child welfare, no less than politicians on the campaign trail. Latino youth, as do all children, deserve a full and fair chance.

Latino families and Latino youth in particular do not have access to the resources they clearly need.





Latino families and communities can be successful in improving the quality of their lives.



Introduction

Roberto,⁵ age 16, has to appear in court tomorrow morning. He is accused of selling cocaine to a girl in the Estrada Courts, a predominantly Latino neighborhood in Los Angeles, California. Roberto says he is innocent. The large wad of money that police officers discovered in his pockets, he claims, was given to him by his mother and brother. The girl naming him, Roberto says, is only trying to angle for a reduced sentence.

The young Latino has not had a lengthy conversation with the lawyer assigned to his case. He is oblivious as to how much time he is facing, if found delinquent. He is unsure whether there are other witnesses testifying against him besides the female buyer. Roberto, however, says he is not nervous. Today he sits on a bench and chews on a piece of candy. “I’ll be scared tomorrow!” he promises with a worried grin.

Roberto has packed away several pressing issues into a cloudy future. Eventually, when he is much older, he will stop “kicking it” with his crew, Varrío [sic] Nuevo Estrada. In time, he will quit smoking weed, joy riding and tagging buildings. Some day, soon, he will get serious about school.

Until those changes come, Roberto is determined to remain cool and detached. He explains how he was expelled from school in part for his own protection. A few of his fellow classmates wanted to jump him. Roberto was not afraid of them, but school administrators thought it safer for him to find another school.

Is that the only reason Roberto was expelled? The boy smiles sheepishly. After a couple of minutes of stalling, he admits, “I stopped going.” For two or three months—he cannot be sure how long—Roberto skipped school and hung out with members of his crew. He looks down and away when he speaks about his truancy and his mother’s disappointment. Roberto is clearly not proud of his behavior and his remarks are peppered with uneasy laughter.

He is adrift. Quietly frustrated, unchallenged, immature and aimless, Roberto may be drawn deeper into the juvenile court system. He has no other plans and the system is pulling at him.

Countless Latino youth also feel the tug of the juvenile court system. Exactly how many is unknown because Federal Bureau of Investigation Uniform Crime Reports and most other data sources often categorize young Latino offenders as white. When ethnicity is accurately identified, alarming disparities become apparent. Latino youth are more often incarcerated and confined for longer periods



than their white peers who have committed the same offenses.

Nearly 300 people dedicated to investing in Latino children rallied together for three days at the Coalition for Juvenile Justice (CJJ) 6th Annual Ethnic and Cultural Diversity Training Conference held in Los Angeles. These concerned participants are tired of seeing Latinos grow up in second-class schools with inferior services. They want an end to the violence that strips them of their children. They want to discover how to effectively tap the potential of youth like Roberto. This report encapsulates the prominent issues raised by conference attendees and presenters, and the knowledge gained from those three days.

Pinpointing Grave Problems

Numerous programs and nonprofit organizations operate to fortify Latino youth and families. The most effective and critical outreach efforts tackle four pressing issues: 1) the state of Latino educational achievement, under-achievement and access to higher learning; 2) the availability of comprehensive physical and mental healthcare services for Latino families; 3) the plight of illegal immigrant Latino youth warehoused in juvenile detention and confinement facilities; and 4) the unequal treatment of Latino youth in the juvenile court system.

The initial two focus areas—the education and healthcare systems—directly contribute to juvenile delinquency when they fail to meet basic needs. A student disillusioned with learning will find less noble interests; a child kicked out of school will spend more time on the streets. Moreover, youth living in homes where there is family violence face a threat to their physical and mental health; children suffering from untreated emotional stress may express their pain through delinquent behavior. Sound educational and healthcare institutions, however, can stimulate achievement and prevent crime.

The third issue—the handling of undocumented Latino children—is a more complex and divisive issue. There is passionate disagreement as to whether or not such immigrant youth should be deported. This report will not enter into that debate. What is of concern to CJJ, its members and conference participants is that undocumented Latino youth are treated poorly in juvenile detention and correctional facilities while authorities come to a decision regarding their ultimate placement.

The final focus area—the unequal treatment of Latino children and youth in the juvenile court system—is a longstanding problem. The latest findings show that Latino youth are more likely to receive harsher punishments within the juvenile court system and are more readily transferred to face charges and imprisonment in the adult criminal system than whites. Addressing such disparate treatment is key to strengthening the fairness and effectiveness of the justice system and to helping prevent Latino youth from being launched into a life of crime.



If the four target areas are appropriately addressed, the vast majority of Latino youth will avoid coming into contact with the juvenile court system. Even those who do enter the system can be given the tools to become productive citizens. Latino families and communities can be successful in improving the quality of their lives.

Education: Making Schools Relevant and Useful

Theresa,⁶ age 18, plans to be a pharmacist. Her mother has suffered from poor health for years and takes several prescribed pills daily. Seeing her mother's medical regimen is what sparked Theresa's interest in pharmaceuticals. The young Latina is aware that her dream will demand academic discipline, and she looks forward to rising to the challenge. She is applying to colleges with confidence and says, "I know I'll get in."

This is quite a turnaround for Theresa. "I didn't use to care about school," she says. When she attended, she felt ignored by teachers and rival cliques confronted her. She physically fought fellow students and caught the attention of school administrators, who expelled her.

Theresa's early struggles to thrive academically reflect a nationwide crisis among Latino youth. Fourteen percent of Latinos ages 16-19 were neither enrolled in school nor working in 1999; the national average for youth in general was eight percent. High school completion rates for Latinos were also lower than the rates for white and black youth. Latinos were less likely to have earned a bachelor's degree than blacks and whites.⁷

The education system is not engaging Latino children as well as it does youth of other races and ethnic groups. Too few Latino and Spanish-speaking educators

-7-

Federal Bureau of Investigation Uniform Crime Reports and most other data sources often categorize young Latino offenders as white.

and administrators work in schools that serve Latino students, making cultural and linguistic barriers hard to dismantle.

Frank conversations with young Latinos who have struggled in school reveal



other systemic problems. When asked why they mentally or physically disconnect from school, youth cite overcrowded classrooms, apathetic teachers, escalating conflict among fellow students and lucrative opportunities in the illegal drug trade.

Troubled students are often uninterested in the day-to-day routine of school. Discouraged students also doubt the long-term benefits of a formal education. “They don’t see a future for themselves there [in school],” explains Nick Pacheco, a Los Angeles City Councilman. “If they saw a future for themselves, they’d value today more.”

Others maintain that if schools taught about Latino roots and cultures, young Latino students would be inspired to learn more. “History empowers people, and once people feel empowered, they ask questions,” says Jerry Tello of the National Latino Fatherhood and Family Institute. Even students with impressive academic records echo a call for more cultural awareness in the classroom. Aurora Cerda, a scholarship recipient and UCLA senior, says her education always felt incomplete until she began “relearning her history.”

The dominant idea is that educational systems must be made relevant to students—through history, ambitions, faith or gender. For example, Theresa, the young aspiring pharmacist, found her academic focus through Project Joyas. Project Joyas is an L.A. afterschool leadership academy for delinquent or unruly girls, who are referred to the program by probation officers, juvenile courts and schools. Joyas tailors activities and services to best meet the developmental needs of females. “Girls are different than boys. Girls are more sensitive,” says Maria Gutierrez, a deputy probation officer and coordinator for Project Joyas, “and we wanted to form something that got the girls away from feeling they had to be the most popular or form cliques.”

The girls in Project Joyas meet for three hours in the afternoon each school

-8-

High school completion rates for Latinos were also lower than the rates for white and black youth.

day. Tutors, mentors and counselors greet the girls daily and work with them to build personal self-esteem and group camaraderie. One immediate result is better grades. “I’ve been attending the Joyas program since November,” writes Yesenia in a testimonial. “I was receiving D’s and F’s and missing assignments. Now I’m getting C’s and I am not missing homework.” The difference may not seem dramatic, but it is a sign of positive change. A one-year pilot project funded by the



L.A. County Board of Supervisors, Project Joyas represents a new collaboration between the school system, community-based organizations and the juvenile court system.

Another program that speaks to a targeted group of Latinos is the Gang Violence Bridging Project. A program initiative of the Pat Brown Institute of Public Affairs, the project assists at-risk youth and former gang members in seizing educational and employment opportunities. What is most notable, the program enrolls once-troubled youth with high school or general equivalency degrees into California State University. Director Gilbert Sanchez, a former gang member himself, says the program is successful because participants are motivated and mentored by people they can relate to and respect. The program also makes a long-term commitment to its participants. “Our goal,” says Sanchez, “isn’t just to enroll them but to see them graduate.”

To that end, the program offers support and mentoring services. “You can’t just get someone off the street and throw them into a university,” Sanchez cautions. The Gang Violence Bridging Project staff help strengthen the participants’ coping skills, so that, for instance, they feel comfortable asking a professor questions in a large classroom. In addition, the program is designed to hone life skills such as balancing a checkbook, budgeting money and managing time. Ultimately, the program proves to youth and the community that academic achievement is attainable. Sanchez says, “There are a lot of misconceptions about who can go on to higher education.”

-9-

Health: Before Emergencies Arise

In the physical therapy unit of the Los Angeles Children’s Hospital, Dr. Luis Montes patiently explains why there are service gaps in the healthcare system and why Latinos often do not receive preventive medical treatment. The doctor cites the unwillingness of insurance companies to pay for procedures unless they are urgently needed. He describes how he has seen numerous Latino patients, who have avoided seeking medical attention until an ailment has become chronic, advanced or debilitating. Finally, he speaks about the financial pressures and tough choices many physicians face. “Most doctors want to help people,” Dr. Montes says, “[but] there are realities to this business.” Healthcare institutions—stuck with expenses that insurance companies, government agencies and poor families are reluctant or unable to pay—have also curbed services, the doctor laments. “The bottom line,” he says, “is that there need to be more services. But who will pay for them?”

Latino parents echo some of Dr. Montes’ concerns. When asked in a survey to identify the largest obstacle to obtaining healthcare for their children, 26% of Latino parents cited language barriers, 15% mentioned prohibitively long waits at the doctor’s office, 13% cited a lack of medical insurance and 7% indicated an



inability to pay the medical bill. When asked if a particular barrier had ever caused them to not bring their child to a hospital or medical clinic, 21% cited transportation and 11% referred to a lack of cultural understanding from the medical staff.⁸

Contributing to the complexity of providing adequate healthcare to Latinos, Dr. Joel Gajardo, executive director of the Hispanic Community Center in Lincoln, Nebraska, says culture affects how individuals cope with illness and pain. For many Latinos, the influences of Roman Catholicism and Native American spirituality make them inclined to view suffering and disease as inevitable experiences that should be endured with stoicism. They are resistant to complain about or readily reveal discomfort, the doctor explains. Medical practitioners need to take spiritual and cultural norms and perceptions into account when treating the physical and mental health needs of Latinos.

The systemic healthcare obstacles and distinctions mentioned above desperately need to be addressed. To ignore them is to deny Latino children complete well-being. Furthermore, when healthcare systems fail, family crises are exacerbated. Two preventable social wrongs, in particular, are inflamed when healthcare services are lacking: family violence and substance abuse.

Family Violence

Violence is a learned behavior, says Carlos Morales, Assistant Project Director of the Los Angeles Commission on Assaults Against Women (LACAAW). If a child witnesses a man hitting a woman or is the target of physical abuse, then the youth is likely to believe that slaps and punches are an acceptable part of communicating and the cycle of violence is apt to continue.

Morales sees family violence as a serious problem in Latino communities but is careful not to generalize. There is no evidence to suggest that Latino families are more prone to experience family violence than any other race or culture. Morales, however, does note that culture can be a tool for passing on lessons of violence. Every race and ethnic group has its own constructs of family order, dominance and masculinity. At their best, these constructs can be inspiring and useful. If misinterpreted and taken to extremes, they can be destructive and fatal.

Among Latinos, when questions about what types of notions contribute to family structure and stability, but also to family violence, one word is repeatedly spoken: machismo. Machismo encompasses manhood. It describes the roles and responsibilities of fathers and brothers—men—toward each other and toward women. Machismo can indeed be noble and chivalrous. It can encourage family loyalty and protectiveness. But when misguided, machismo can incite in men an unhealthy sense of aggression toward and control over their families and loved ones. Machismo can become a cultural rationale for the perpetrator of family violence.

The full extent to which family violence affects Latinos is unknown. “Vio-



lence is hard to talk about in Latino populations,” says Fernando Soriano, Executive Director of the National Latino Research Center at California State University San Marcos. “Data on the subject can be difficult to collect because of the sensitivity of the information, and because sometimes Latinos think that investigators or social service agency workers may report them to law enforcement.” A two-year federal grant was recently awarded to Cal State San Marcos to conduct a study on family violence in the Latino Community. This is the first study, researchers say, that will focus specifically on immigrant, migrant and U.S.-born Latinos.⁵

Mary Moreno Richardson, a mental health clinician at the Violence Intervention Program at Los Angeles County/University of Southern California Medical Center, has seen the impact of family violence on Latino families. The Violence Intervention Program offers 24-hour services to abused families, ranging from counseling battered victims in the hospital to interviewing Latino males about their views of family control and violence. The program also provides interfaith spiritual guidance to family violence victims and offers group therapy to children.

According to Richardson, children living in abusive homes usually have both witnessed violence and been victims themselves. Along with their physical injuries, they frequently wrestle with severe post-traumatic stress. Because of the scarcity of mental health services, the latter often goes untreated.

Efforts to relocate abused children into a safe environment such as foster homes, Richardson explains, can compound the trauma. Abrupt separation from a familiar environment can be emotionally distressing for children. Moreover, youth sometimes face further physical abuse upon entering protective custody.

Early education for children is the most effective way to combat the cycle of family violence, says Morales. Culturally sensitive programs should instruct youth about acceptable ways to express emotions. Latino children need to learn about the importance of equality and respect in relationships, says Morales. They must be taught about the legal realities surrounding family violence—that physical or verbal abuse of another person can lead to arrest or imprisonment.

Substance Abuse

More Latino youth (11.4%) ages 12-17 use illicit drugs than their white (10.9) or black (10.7) peers. Among Latino 10th graders, reports of illegal alcohol use were greater than for any other race or ethnic group.¹⁰ A growing number of substance abuse programs have emerged to reduce drug use in Latino communities.

Raul Estrada, Executive Director of El Centro de Ayuda, has strong opinions about how programs attempt to serve Latino youth with substance abuse issues. He believes if a person is going to rehabilitate young Latino addicts, he or she has to understand the mind frame of an addict. Drug users are likely to reject assis-



tance from someone they do not believe can relate to them.

Moreover, Estrada says, service providers must learn about the ritual involved in consuming drugs. Getting high is a process that follows a predictable pattern and set steps. The ritual is as much a part of the escape as the drug chosen. A young substance abuser feels rejected, powerless, lonely, or angry or wants to celebrate. The youth gets his or her drug of choice from a set stash, friend or neighborhood dealer. Then the youth goes to his or her launch pad—a basement, an alley, a rooftop. The youth smokes, inhales or injects the score. Professionals working with young drug addicts have to understand their rituals and help them relearn how to cope and celebrate in healthier ways.

As for the substance abuse treatment process, Estrada asserts that environmental and family pressures must be addressed. A history of substance abuse in families and expectations of family members can reveal the motivations behind self-destructive drug use. Estrada also says that relapse is a stage in the rehabilitation process. Success stories usually have several dark chapters in them. Setbacks are to be expected and must be studied in order for former drug addicts to achieve long-term sobriety.

A drug rehabilitation program can be assessed, Estrada says, according to four A's: 1) Accessibility—the program and its service are in close proximity to the clients; 2) Availability—youth in need are eligible and can afford to participate in the program and its services; 3) Acceptability—participants are engaged in the program because it is culturally aware and focuses on the individual and; 4) Accountability—the program is designed to meet client needs, not just those of grant and funding providers.

Furthermore, mental healthcare also needs to be present in the treatment regimen of Latinos affected by substance abuse. As cited in the Coalition for Juvenile Justice 2000 report, *Handle With Care: Serving the Mental Health Needs of Young Offenders*, children with mental health problems often “self-medicate” themselves with illegal drugs. Drug counselors who focus on dependency at the exclusion of comprehensive mental health assessments shortchange their clients.

Immigrant Youth: An Invisible Population

The Immigration and Naturalization Service (INS) took approximately 4,600 children into custody for illegally entering the United States in 1999. INS agreed in 1996 to hold youth in the “least restrictive setting appropriate for the minor’s age and special needs.” One-third of the immigrant youth apprehended in 1999 were locked away in jails and juvenile detention centers. The youngest of the children jailed was eight years old.¹¹

The children come alone, primarily from Mexico, but they are also streaming



in from South America, according to Alice Linsmeier, a Detention Minister with Jesuit Refugee Services, an international Catholic organization that advocates on behalf of refugees and forcibly displaced people. The youth are attracted to the United States because of the perceived prosperity that awaits anyone in the nation willing to work. To them, the country is an escape from poverty or abuse, says Linsmeier. Some of the immigrant youth have been orphaned and others abandoned. The lucky children, Linsmeier explains, cross the border with little more than the name of a relative in a city like Los Angeles, Chicago or Houston.

If the children are taken into custody, ideally INS prefers to place them in a foster home and determine each minor's deportation status. However, INS has the right to jail youth under one of three conditions: 1) if there is an emergency influx of young illegal immigrants, 2) if the detained child is charged with a crime, or 3) if the youth is awaiting transfer to a foster home within three to five days.¹²

Procedures regarding the jailing of youth are designed to be sensible precautions. Moreover, John Pogash, the INS Juvenile Detention Chief, told the *Oregonian* that he feels INS keeps young illegal immigrants safe and that criticism of his agency is unwarranted. "The kids we take into custody are under more scrutiny and have more review than any other cases in the service," says Pogash. "I can tell you what that person has for breakfast, literally."¹³

Detractors doubt INS's commitment to young illegal immigrants. "These children are powerless, and they're being criminalized for not having [immigration] papers," says Alicia Triche, an attorney with Jesuit Refugee Services. Young illegal immigrants are often homeless and get picked up off the streets, explains Triche, or they are turned in by an informant such as an employer or school offi-

-13-

More Latino youth (11.4%) ages 12-17 use illicit drugs than their white (10.9) or black (10.7) peers.

cial. Usually youth are not charged with a crime when they are detained, she says. Instead, children wait in juvenile facilities while INS decides their fates. Their length of stay can be indefinite.

Once in the juvenile court system and the INS network, immigrant children are subject to a series of guardianship and deportation scenarios. Naturalized and U.S.-born relatives of a detained youth can petition INS for custody, but they must provide a birth certificate and other documents to prove the child's identity and family ties. In cases in which the documents are stored in another country



thousands of miles away, obtaining them can be a challenge. In other cases, documents have been destroyed or never existed. Parents and other family members living illegally in the United States could conceivably file for guardianship of a child, but they would themselves risk deportation along with the child.

For the majority of detained immigrant children, who are not being charged with a crime, the exposure to delinquent youth is often corrupting.

Some immigrant youth do not have adults coming to their aid, but still have options as to how they want to be processed. Youth can, for example, lie about their ages, pose as adults, try to make bail or simply disappear. Another strategy is to elect for a voluntary departure and attempt to reenter the country later. Many young illegal immigrants falsely declare themselves Mexican rather than other Latin nationalities, ensuring that they will be dropped off close to the U.S. border. Children who can verify that they face political persecution in their homelands are eligible for asylum. Youth who can demonstrate that they have lived in the country for at least ten years can file for a cancellation of removal.

While weighing their alternatives, young illegal immigrants must also pass the time in juvenile detention facilities, where they are a small and vulnerable population. In addition to managing the uncertainty of their INS cases, immigrant youth may be forced to cope with language barriers, discrimination and stress stemming from their predicament. For the majority of detained immigrant children, who are not being charged with a crime, the exposure to delinquent youth is often corrupting.

What emerges from this examination of the treatment of illegal immigrant youth is clear: Latino children, among others, are being warehoused in juvenile detention and confinement facilities. As petitions are filed, jailed immigrant youth wait in inappropriate and potentially volatile settings. INS treatment of young illegal immigrants is so poorly regarded that several juvenile court practitioners, government workers and service providers admitted that they and their colleagues refuse to report illegal immigrant youth to the agency. “I just won’t fool with them,” says one officer of the court from the Midwest. “They treat the kids so awful.”



The Juvenile Court System

The juvenile court system is inadequately prepared to respond to Latino youth because the system does not fully recognize them as a distinct population. As noted earlier, FBI Uniform Crime Reports and many other data sources classify Latinos as whites. Consequently, the court system is several steps away from seeing the full scope and diversity of the Latino population. This demographic blind spot has resulted in inaccurate counts and underestimation of Latino youth in all stages of the juvenile court system. Currently there is no way of correctly and comprehensively measuring the extent to which Latinos confront racial inequality in the juvenile court system.

Where evidence has indicated disparate treatment of Latino youth, the juvenile court system has taken little effective action. At the sentencing stage, for example, Latino children are sent to detention and correctional facilities more often and for longer time periods than whites who commit the same offenses.¹⁴ In 1997, the percentage of Latino youth in adult state prisons was larger than the percentage of Latino youth in the general U.S. population, according to a U.S. Department of Justice report.¹⁵

Moreover, few efforts have attempted to explore why Latino youth consistently face unequal treatment in the court system. More knowledge is needed about the impact of mandatory sentencing laws, culturally insensitive judicial decisions and unchecked prosecutorial authority on Latino youth. There is, even so, growing evidence that Latino youth are subjected to harsher punishment in the juvenile court system, and the adult criminal system than their white peers. The juvenile court system also needs to determine how to identify and eliminate the prevalent motivations behind the delinquent actions of Latino offenders.

Furthermore, the juvenile court system has failed to form alliances to support Latino youth and families with the education and healthcare communities. The juvenile court system ought to be engaged in prevention and intervention programs in schools. Juvenile facilities and school districts should work together to help delinquents released from court custody and detention to successfully reintegrate back into classrooms and peer communities. Such initiatives are not commonplace.

Connections to adequate healthcare—especially mental healthcare—also need strengthening. Between 50 and 75 percent of incarcerated youth have diagnosable mental health disorders, as all too often, mental health problems manifest in disruptive behavior that goes undetected until the point of arrest. A lack of screening and early intervention treatment options exacerbates the situation. Problems of access to services and over-confinement are particularly acute for youth of color, girls and children from impoverished families.¹⁶

Moreover, three-quarters of juvenile facilities do not meet basic suicide pre-



vention guidelines.¹⁷ Once in detention, youth face treatment that too often involves overmedication and tactics of control like restraint and isolation. All are counterproductive for emotional health. The lack of interaction between the juvenile court system and other child development institutions, especially those based in the community and linked to family life, hinders recovery of troubled and delinquent Latino youth. The juvenile court system ought to enter into partnerships to foster the healthy overall development of youth—Latino, immigrant or otherwise.

Fortunately, Latino issues are garnering more public attention, and the resulting outcry may rouse the juvenile court system from its neglect. Latino advocacy groups are challenging police agencies, court systems, correctional facilities and probation offices to make procedural changes that reflect a sensitivity toward Latino youth and families. Within the juvenile court system, people are becoming increasingly aware of the need to adapt to the emergence of a rising minority. There are small signs that the juvenile court system is starting to do what the education and healthcare systems, as well as other social services, will have to do: join Latinos at the table, lean in close to them and address their concerns.

¹ CNN.com. (Aug. 30, 2000). Census Figures Show Dramatic Growth in Asian, Hispanic Populations.

² Chambers, V., Figueroa, A., Wingert, P., & Weingarten, J. (July 12, 1999). Latin U.S.A.: How Young Hispanics are Changing America. *Newsweek*.

³ Fletcher, M. (July 5, 2000). Persistent Poverty Seen Among Latino Families. *Washington Post*. Washington, DC.

⁴ Federal Interagency Forum on Child and Family Statistics. (2000). America's Children: Key National Indicators of Well-Being 2000. Washington, DC.

⁵ Not his real name.

⁶ Not her real name.

⁷ Federal Interagency Forum on Child and Family Statistics. (2000). America's Children: Key National Indicators of Well-Being 2000. Washington, DC.

⁸ Flores, G., Abreu, M., Olivar, M., and Kastner, B. (Nov. 1998) Access Barriers to Health Care for Latino Children. *Pediatrics & Adolescent Medicine*. Brooklyn, New York.

⁹ Sifuentes, E. (Nov. 18, 2000) CSUSM to Study Latino Domestic Violence. *North County Times*. San Marcos, California.



¹⁰ Federal Interagency Forum on Child and Family Statistics. (2000). America's Children: Key National Indicators of Well-Being 2000. Washington, DC.

¹¹ Sullivan, J. (Dec. 12, 2000) INS Locks Children Away Next to Criminals. *Oregonian*. Portland, Oregon.

¹² Sullivan, J. *Oregonian*. Portland, Oregon.

¹³ Sullivan, J. *Oregonian*. Portland, Oregon.

¹⁴ Jones, M. & Poe-Yamagata, E. (April 2000) And Justice for Some. Youth Law Center: Washington, DC.

¹⁵ Strom, K. (Feb. 2000) Profile of State Prisoners Under Age 18, 1985-97. Bureau of Justice Statistics, U.S. Department of Justice: Washington, DC.

¹⁶ Hubner, J. & Wolfson, J. (Dec. 2000) Handle with Care: Serving the Mental Health Needs of Young Offenders. Coalition for Juvenile Justice: Washington, DC.

¹⁷ Leiter, V., Livens, L., Wentworth, D. and Wilcox, S. (1994). Conditions of Confinement: Juvenile Detention and Corrections Facilities. Office of Juvenile Justice, Office of Justice Programs, U.S. Department of Justice: Washington, DC.



Recommendations for Eliminating Minority Overrepresentation Among Latino Youth

Based on the themes of the Coalition for Juvenile Justice 6th Annual Ethnic and Cultural Diversity Training Conference, the following is a series of recommendations on how to address critical issues affecting Latino youth:

For the Attorney General of the United States

- 1) Meet with Latino leaders at least once a year to discern how Latinos can be served equitably by the U.S. Department of Justice.
- 2) Require the Federal Bureau of Investigation and other agencies within the U.S. Department of Justice to keep accurate crime and court-related statistics regarding Latinos, fully accounting for ethnic and linguistic distinctions in all information released by the agencies.
- 3) Support efforts to ensure that young Latino immigrants in the custody of the Immigration and Naturalization Service are not needlessly locked away in juvenile detention facilities and when temporary confinement is necessary that they are processed and removed from facilities in less than one week.
- 4) Recruit, hire and train more U.S. Attorneys who are Latino or speak Spanish to direct and conduct services and initiatives targeted at strengthening Latino youth and families.
- 5) Raise public and departmental awareness about the overrepresentation of Latino youth and their disparate treatment in the juvenile justice system.

For the Congress of the United States

- 1) Support legislation to ensure that young Latino immigrants in the custody of the Immigration and Naturalization Service are not needlessly locked away in juvenile detention facilities and when temporary confinement is necessary that they are processed and removed from facilities in less than one week.
 - 2) Commission and fund federal agencies to conduct more research on the effects of family violence, substance abuse, poverty, illiteracy and school failure on Latino youth and delinquent behavior.
-



- 3) Fund community programs that address family violence and substance abuse among Latinos with cultural and linguistic sensitivity.

For Governors and Juvenile Justice State Advisory Groups

- 1) Appoint Latinos to State Advisory Groups on juvenile justice in numbers reflective of the proportion of Latinos in their respective states.
- 2) State Advisory Groups need to have an active subcommittee that examines minority overrepresentation in the juvenile justice system through collaborative efforts with the state Governor, researchers, service providers, law enforcement agencies, Latinos and the media.
- 3) Engage local school districts in efforts to raise the academic achievement of Latinos through culturally sensitive and relevant curricula and programs.
- 4) Encourage state and local healthcare providers to make healthcare—especially as it relates to recovery from family violence, substance abuse and mental health problems—more available to Latino youth and families.

For Educators/Education Administrators

-19-

- 1) Weave lessons on Latino history, achievements, culture and contributions into school curricula.
- 2) Institute efforts that encourage discussion about family violence and substance abuse, and teach students how to cope with anger, alienation, loss and stress.
- 3) Expel students only when they pose a physical danger to others and even then as a last resort after all other options have been exhausted.
- 4) Recruit, hire and train more Latinos and Spanish-speaking professionals for schools and other educational programs.

For Healthcare Professionals and Treatment and Service Providers

- 1) Offer community-based and culturally sensitive family violence prevention and treatment services to Latino youth and families.
 - 2) Provide substance abuse prevention and treatment programs that consider family history and dynamics, culture, spiritual beliefs and practices, and social environment, when addressing Latino youth and families.
 - 3) Work to break down service barriers such as mistrust, lack of transportation and high cost.
-



- 4) Recruit, hire and train more Latinos and Spanish-speaking professionals in all areas of healthcare and mental healthcare.
- 5) Form partnerships with juvenile justice facilities to address the needs of confined juveniles and to serve Latino youth released from court custody and correctional facilities.

For Juvenile Justice Administrators, Judges and Professionals

- 1) Record and report the number of delinquent Latino youth and youth victims of crime by their distinct ethnic and linguistic status.
- 2) Use culturally and linguistically appropriate methods to screen delinquent Latino youth for mental health issues to determine the best treatment options, and strategies for early prevention and intervention.
- 3) Support efforts to ensure that young Latino immigrants in the custody of the Immigration and Naturalization Service are not needlessly locked away in juvenile detention facilities and when temporary confinement is necessary are processed and removed from the facilities in less than one week.
- 4) Conduct ongoing cultural sensitivity/diversity trainings on Latino culture for all juvenile justice professionals who come in contact with Latino and Spanish-speaking youth and families.

-20-

For State and Local Policy Makers and State Legislators

- 1) Conduct ongoing cultural sensitivity/diversity training on Latino culture and the needs and interests of Latino youth and families for policy makers, staff and volunteers.
 - 2) Support efforts to ensure that young Latino immigrants in the custody of the Immigration and Naturalization Service are not needlessly locked away in juvenile detention facilities and when temporary confinement is necessary are processed and removed from the facilities in less than one week.
-