

Language Access and Ethnic Data Considerations in the Juvenile Justice Context

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NCLR's Juvenile Justice Project

- The National Council of La Raza (NCLR) is the nation's largest Latino advocacy and civil rights organization.
- The LJJN is NCLR's advocacy initiative on juvenile justice reform in the states of Pennsylvania, Illinois, Louisiana and Washington state.
- The LJJN is a local and state based effort to bring together key community-based organizations and leaders to create a cadre of Latino advocates for positive juvenile justice reform.
- The LJJN will accomplish its goal through policy, advocacy, research and organizing from a Latino perspective.

U.S. Demographics

- 11.7% of the U.S. population is foreign-born
- 47 million people speak a language other than English at home
- More than 21 million speak English “less than very well.”



Latinos in the US

- Latinos comprise 14% of the total US population or 42.3 million
- 40% of Latinos are foreign born however 88% of Latinos ages 18 and under were born in the US
- Of the Spanish speaking pop in the US 47% speak English less than very well
- Of all Spanish speaking households 28% are linguistically isolated compared to 5% of the US over-all

Problems with juvenile justice data

Latino youth are significantly overrepresented in the justice system

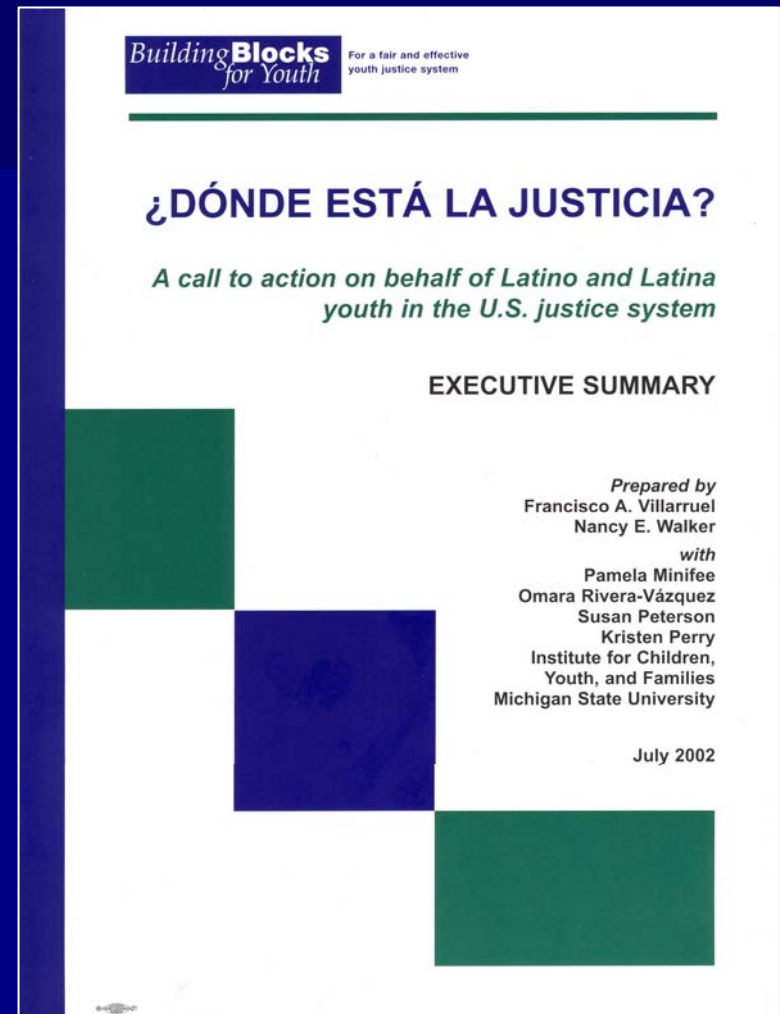
Data collection mechanisms are inadequate

Significant undercounting

Failure to separate race from ethnicity

Lack of adequate bilingual services

Lack of culturally competent staff



**Most juveniles tried as adults
in criminal court were black
male person offenders**

| Offender characteristics | Percent of juvenile transfer felony defendants in criminal court |
|--------------------------|--|
| Age | 100% |
| 14 or younger | 8 |
| 15 | 24 |
| 16 | 27 |
| 17 | 40 |
| Sex | 100% |
| Male | 92 |
| Female | 8 |
| Race | 100% |
| White | 31 |
| Black | 67 |
| Other race | 2 |
| Offenses | 100% |
| Person | 66 |
| Murder | 11 |
| Rape | 3 |
| Robbery | 34 |
| Assault | 15 |
| Property | 17 |
| Burglary | 6 |
| Theft | 8 |
| Drug | 14 |
| Public order | 3 |

- About two-thirds of juveniles prosecuted in criminal courts in the Nation's 75 largest counties were charged with a felony person offense.

Note: General offense categories include offenses other than those displayed. Detail may not total 100% because of rounding.

Source: Authors' adaptation of Strom, Smith, and Snyder's State Court Processing Statistics, 1990-94: Juvenile felony defendants in criminal courts.

*The effect of removing Hispanics/Latinos from the
“White” racial category: Prisoners incarcerated
in 1997*

*% LATINOS
INCARCERATED*

*% “WHITES”
INCARCERATED**

| | | Before removing Hispanics/Latinos | After removing Hispanics/Latinos |
|---------------------|-------------|--|---|
| <i>Arizona</i> | <i>32.0</i> | <i>79.6</i> | <i>48.8</i> |
| <i>Colorado</i> | <i>27.7</i> | <i>71.0</i> | <i>45.0</i> |
| <i>Florida</i> | <i>8.6</i> | <i>42.5</i> | <i>36.0</i> |
| <i>Hawaii</i> | <i>4.8</i> | <i>20.8</i> | <i>18.1</i> |
| <i>New Jersey</i> | <i>17.7</i> | <i>25.8</i> | <i>17.7</i> |
| <i>New Mexico</i> | <i>56.3</i> | <i>83.0</i> | <i>28.9</i> |
| <i>New York</i> | <i>32.4</i> | <i>42.9</i> | <i>18.3</i> |
| <i>Rhode Island</i> | <i>15.0</i> | <i>64.0</i> | <i>51.9</i> |
| <i>Utah</i> | <i>19.4</i> | <i>86.3</i> | <i>68.2</i> |
| <i>Washington</i> | <i>14.1</i> | <i>71.0</i> | <i>58.5</i> |

Source: Holman (2001): Appendix 2.

*Note: Holman provides data on Blacks as well, but these data have not been included in this report because more than 95% of Latinos report their race as White.

How to address data gaps in the juvenile justice system

- In preparation for the 2000 Census, NCLR and other Latino organizations worked with the US Census Bureau to clarify questions about race and ethnicity.
- As a result the US Census Bureau asks 2 questions
 - Are you Hispanic/Latino?
 - Are you Black, White, Asian/Pacific Islander, Native American, or Other?

Your juvenile justice system can do the same

- Separating the ethnicity question from the race question will ensure a more accurate count of the youth who are in the juvenile justice system.
- This will also ensure that there are programs available to respond to the needs of the Latino community.

Language Barrier can pose serious problems in the juvenile justice system

- Family notification
- Adjudication
- Detention
- Placement
- Rehabilitation including parental involvement in rehabilitation
- Access to diversion programs

Communication is also essential for Probation Practitioners

- Intake
- Investigations
- Supervision

Title VI of the Civil Rights Act of 1964

- No person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

EO 13166: Improving Access to Services for Persons with Limited English Proficiency

- Requires federal fund recipients to “provide meaningful access to LEP persons and thus comply with Title VI regulations.”

Possible Language Access Resources

- Bilingual staff
- Staff interpreters and translators
- Contract interpreters (telephonic or in person); contract translators
- Trained, volunteer interpreters and translators

**** Other youth, family members, and unqualified interpreters should not be used.**

What Documents Should be Translated?

- Translating vital documents, forms, and signage into commonly encountered languages
 - Rules and regulations for juveniles in custody
 - Visitation hours and guidelines
 - Directions to the facilities
 - Information about case management and court process
 - Consent forms
 - Discharge planning documents

For Additional Information

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