



Latino Youth and the Juvenile Court System

CJJ Position Statement on Latino Youth:

- All children deserve to be treated fairly, regardless of race or ethnicity.
- Policy makers, police officials, officers of the court and correctional providers must work together to remove racial inequities from the juvenile court system.
- CJJ supports the core requirement in the Juvenile Justice and Delinquency Prevention Act that compels states to identify and remove racial inequality among incarcerated young offenders.

General Facts:

- Latinos represent the country's largest minority group. With a population over 42 million, they comprise 14.4% of the national population.¹
- Currently, nearly 35% of Latinos are under age 18. They comprise 19.6% of the national youth population.²
- Nearly one-third of families with children that are headed by Latino citizens experience overcrowded housing, a lack of needed medical care, or hunger or the risk of hunger; 47% of families with children that are headed by Latino non-citizens face the same hardships.³

Latino Youth in the Justice System:

- The exact number of Latino youth in the juvenile court system is unknown because Federal Bureau of Investigation Uniform Crime Reports and most other data sources often categorize Latino offenders as white.⁴
- In six states, Latino youth are at least three times more likely to be incarcerated than whites; in 14 other states, Latino youth are twice as likely to be incarcerated than whites; nationwide, Latino youth are one and half times more likely to be incarcerated than white youth.⁵
- At the sentencing stage of the juvenile court system, Latino children were sent to detention and correctional facilities more often and for longer time periods than whites who had committed the same offenses.⁶

¹ U.S. Census Bureau, Public Information Office: *Nation's Population One-Third Minority*, Washington, DC, May 10, 2006.

² Ibid.

³ Center on Budget and Policy Priorities, *African American and Latino Families Face High Rates of Hardships*, Washington, DC, November 21, 2006.

⁴ [Esperanza: Awakening to the Strength of Latino Youth](#), CJJ, 2001.

⁵ Human Rights Watch, *Backgrounders: Race and Incarceration in the United States*, New York, NY, February 27, 2002.

⁶ Building Blocks for Youth, *Donde Esta La Justicia?*, Washington, DC, July 2002.

- On average, young Latino offenders were confined 112 days longer than white youth who committed the same offenses and had comparable histories of delinquency.⁷
- More Latino youth (11.6%) ages 12-17 report using illicit drugs than their non-Latino peers (10.8%).⁸
- The percentage of Latino youth in adult state prisons was larger than the percentage of Latino youth in the general U.S. population.⁹

Latino Youth and the INS:¹⁰

- Three conditions allow the Immigration and Naturalization Service (INS) to jail youth:
 1. An emergency influx of young illegal immigrants;
 2. If the child is charged with a crime; or
 3. If the youth is awaiting placement to a foster home within three to five days.
- Often, youth are not charged with crimes when they are detained in juvenile facilities while the INS decides their fates. Their length of stay can be indefinite.
- In 1999, the Immigration and Naturalization Service (INS) took about 4,600 children into custody for entering the United States illegally.
- One-third of the immigrant youth apprehended in 1999 were locked away in jails and juvenile detention centers. The youngest jailed child was eight years old.

CJJ Recommendations:

- Latino children must be recognized as a population comprising distinctive ethnic groups with various cultures, needs and strengths.
- 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.
- 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.
- New U.S. Attorneys who are Latino or speak Spanish must be hired to direct and conduct services and initiatives targeted at strengthening Latino youth and families.
- Developing community programs that address family violence and substance abuse among Latinos with cultural and linguistic sensitivity must be a priority.

⁷ Ibid.

⁸ U.S. Department of Health and Human Services, *National Survey on Drug Use and Health: Substance Use Among Hispanic Youth*, Rockville, MD, August 19, 2005.

⁹ Child Welfare League of America, *Transfer and Waiver in the Juvenile Justice System*, Washington, DC, 2005.

¹⁰ [Esperanza: Awakening to the Strength of Latino Youth](#), CJJ, 2001.