

FOR IMMEDIATE RELEASE:
May 20, 2009

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1 OUT OF 4 INCARCERATED LATINO YOUTH IS HELD IN ADULT FACILITIES, FINDS NEW REPORT

Washington, D.C. – Latino youth are treated more harshly by the justice system than white youth, for similar offenses, at all stages in the justice system, according to a new report released today by The National Council of La Raza (NCLR) and the Campaign for Youth Justice (CFYJ). *America's Invisible Children: Latino Youth and the Failure of Justice* examines the most recent information available about Latino youth in the justice system, with a particular focus on youth tried as adults.

“This country’s justice system is in crisis. At the heart of the crisis is our failure to recognize that this system is for the care and treatment of children, not simply the punishment and correction of criminals,” said Janet Murguía, NCLR President and CEO. “We need a new approach that allows Latino children to dream, and dream big, while providing them with the tools they need to accomplish those dreams.”

Each year, an estimated 200,000 youth under age 18 are tried as adults in courts nationwide. As a result, thousands of Latino youth are prosecuted in the adult criminal justice system every year, depriving them of rehabilitative opportunities, including education, mental health services, and other age-appropriate services that make it more likely that youth will become law-abiding, productive citizens. In addition, Latino youth prosecuted in the adult system can be held in adult jails and prisons where they are at great risk of suicide and sexual assault.

“The justice system has failed Latino youth and communities as these kids are treated more punitively by the justice system than white youth for similar offenses,” said Liz Ryan, CFYJ President and CEO. “The Administration, Congress, and state and local officials must take immediate steps to redress these glaring disparities.”

According to recent reports from the U.S. Centers for Disease Control and Prevention and the U.S. Department of Justice, youth who are tried as adults are more likely to reoffend than youth retained in the juvenile justice system.

Key Findings from *America's Invisible Children: Latino Youth and the Failure of Justice*:

- **On any given day, close to 18,000 Latino youth are incarcerated in America.** The majority of these youth are incarcerated for nonviolent offenses. Most Latino youth are held in juvenile detention facilities (41%) and juvenile long-term secure facilities (34%). However, one out of every four (24%) incarcerated Latino children is held in an adult prison or jail even though youth in adult facilities are in significant danger of suicide and rape.

- **Latino youth are overrepresented in the U.S. justice system and receive harsher treatment than white youth.** In order of rising disparities, Latino youth are: 4% more likely than white youth to be petitioned; 16% more likely than white youth to be adjudicated delinquent; 28% more likely than white youth to be detained; 41% more likely than white youth to receive an out-of-home placement; 43% more likely than white youth to be waived to the adult system; and 40% more likely to be admitted to adult prison. States with the highest levels of disparity of Latino youth in adult prison (rates over 5 times that for white youth) were California, Minnesota, North Dakota, Pennsylvania, and Wisconsin.
- **Nine out of ten (90%) Latino youth ages 10 to 17 live in states that permit the pre-trial detention in adult jails for youth prosecuted in the adult system.** According to a study of 40 large urban jurisdictions, Latino youth prosecuted in the adult system are routinely incarcerated in adult jails. Overall, a higher proportion of white youth are released pretrial (60%) than any other racial or ethnic categories. Most (54%) of Latino youth prosecuted in the adult system were detained pretrial; of the Latino youth detained pretrial, 72% were held in adult jails.

Recommendations for Congress and the Administration:

- Reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDP) this year with strengthening provisions such as updating the “Disproportionate Minority Contact” (DMC) core requirement to give states specific guidance on action steps to reduce both racial and ethnic disparities and by closing the loophole that allows youth to be placed in adult jails.
- Substantially increase federal investments to improve culturally and linguistically appropriate, community-based programs and alternatives to incarceration for Latino youth.
- Oppose legislation that increases the transfer of youth to the adult criminal system or expands mandatory minimum sentences such as gang enhancements.

State and Local Policymakers should:

- Immediately stop housing young people in adult jails and prisons.
- Redirect resources from incarceration to culturally and linguistically competent in-home and community-based services for at-risk youth and youth already in the juvenile or adult justice systems, such as the programs profiled in this brief.
- Reduce the transfer of youth to adult court by repealing statutory exclusion and prosecutorial discretion laws.

The National Council of La Raza is the largest national Latino civil rights and advocacy organization in the U.S., working to improve opportunities for Hispanic Americans.

The Campaign for Youth Justice is a national organization dedicated to ending the practice of trying, sentencing and incarcerating youth under the age of 18 in the adult criminal justice system.

To view the entire report, visit http://campaignforyouthjustice.org/documents/Latino_Brief.pdf