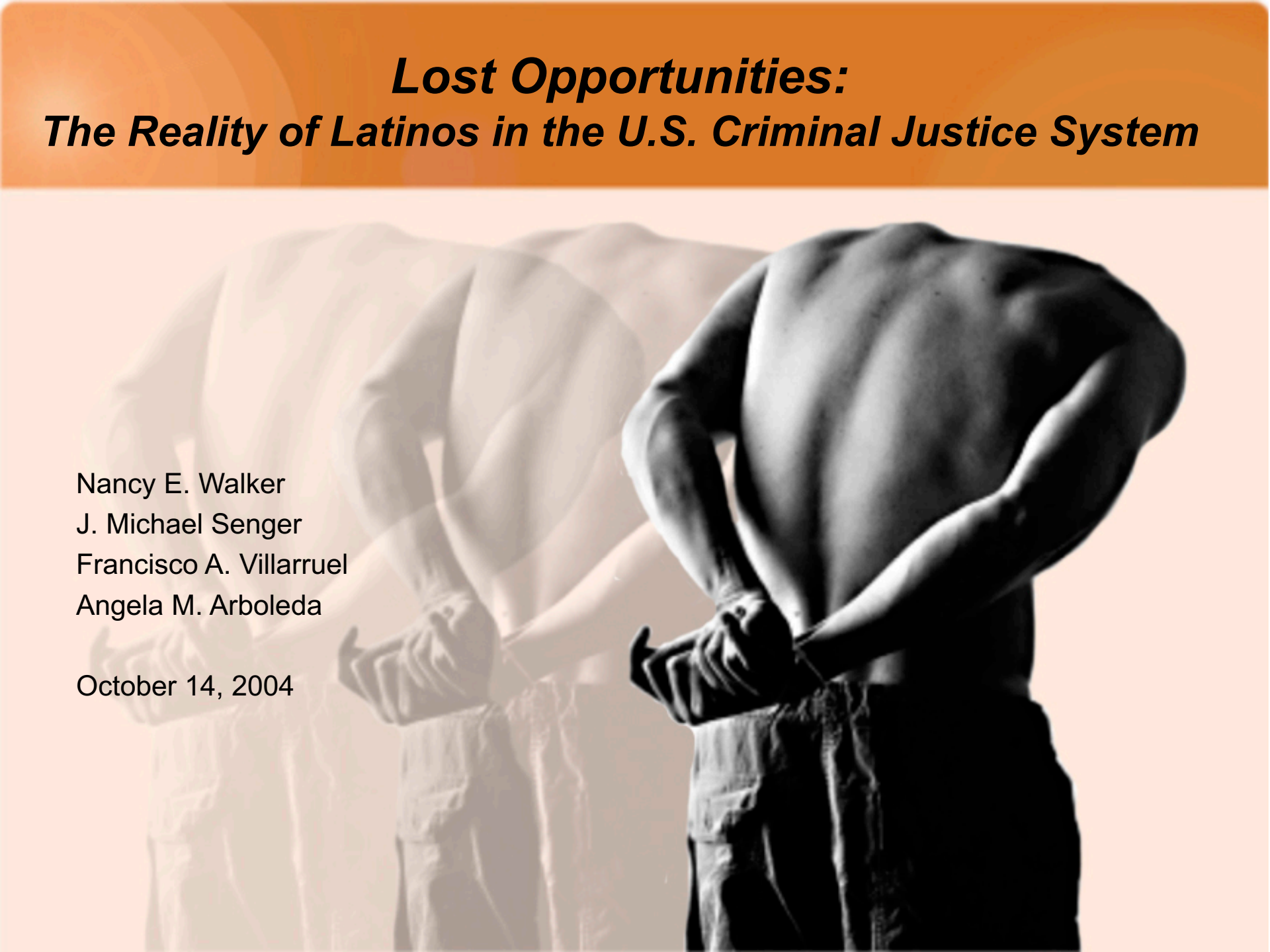


# ***Lost Opportunities: The Reality of Latinos in the U.S. Criminal Justice System***



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# The Problem:

- U.S. criminal justice system practices systematically discriminate against Latinos.
- This conclusion comes from analysis of the government's own official data sources, including the Bureau of Justice Statistics and the U.S. Census Bureau.

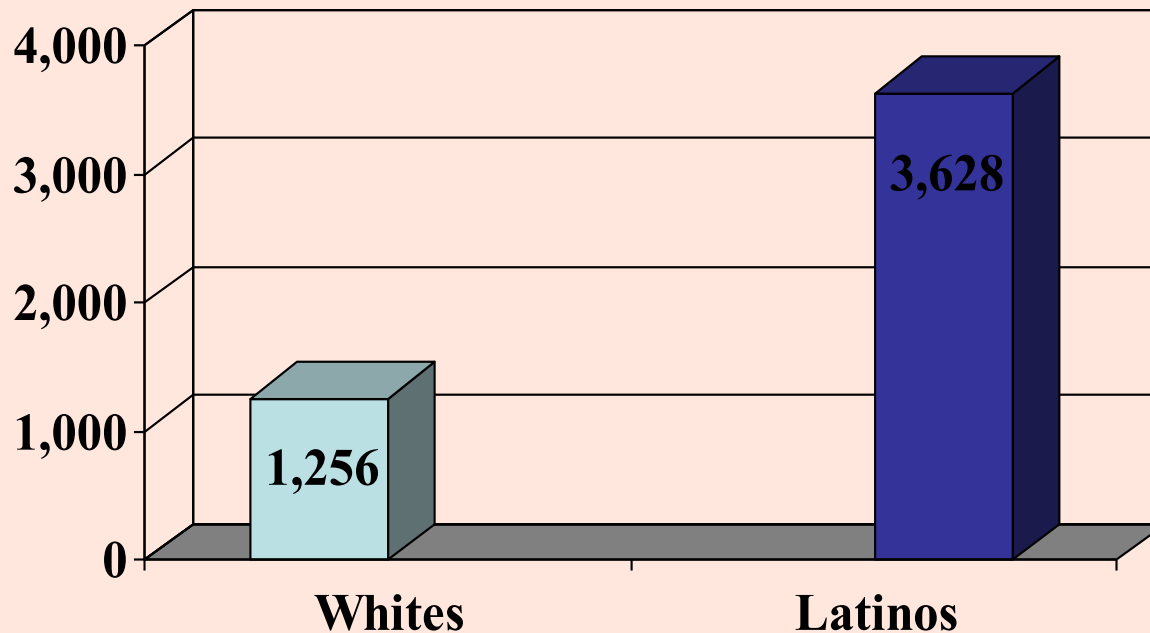


# The Problem:

- Latinos are overrepresented at **every** stage of the U.S. criminal justice system – from arrest and detention to incarceration and parole.
- For example, Latinos comprised 13% of the general U.S. population in 2000 but **31% of incarcerated individuals in the federal criminal justice system.**



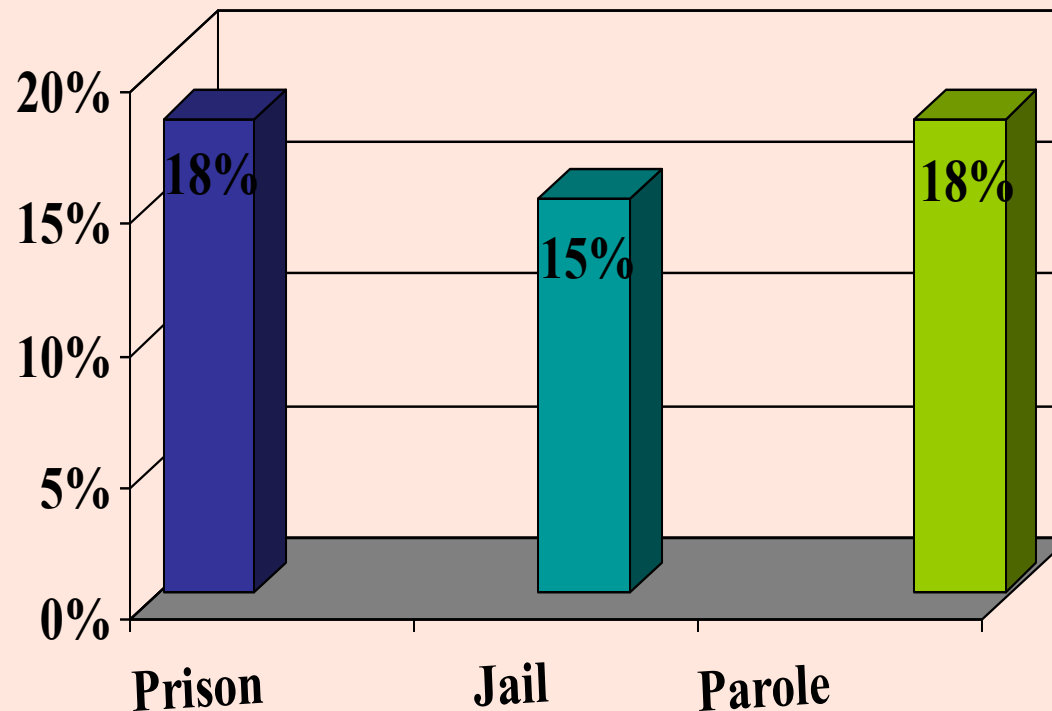
# Latinos men are imprisoned three times as often as Whites.



**Source:** U.S. Department of Justice.  
Imprisonment rates per 100,000 U.S. residents  
(2002)



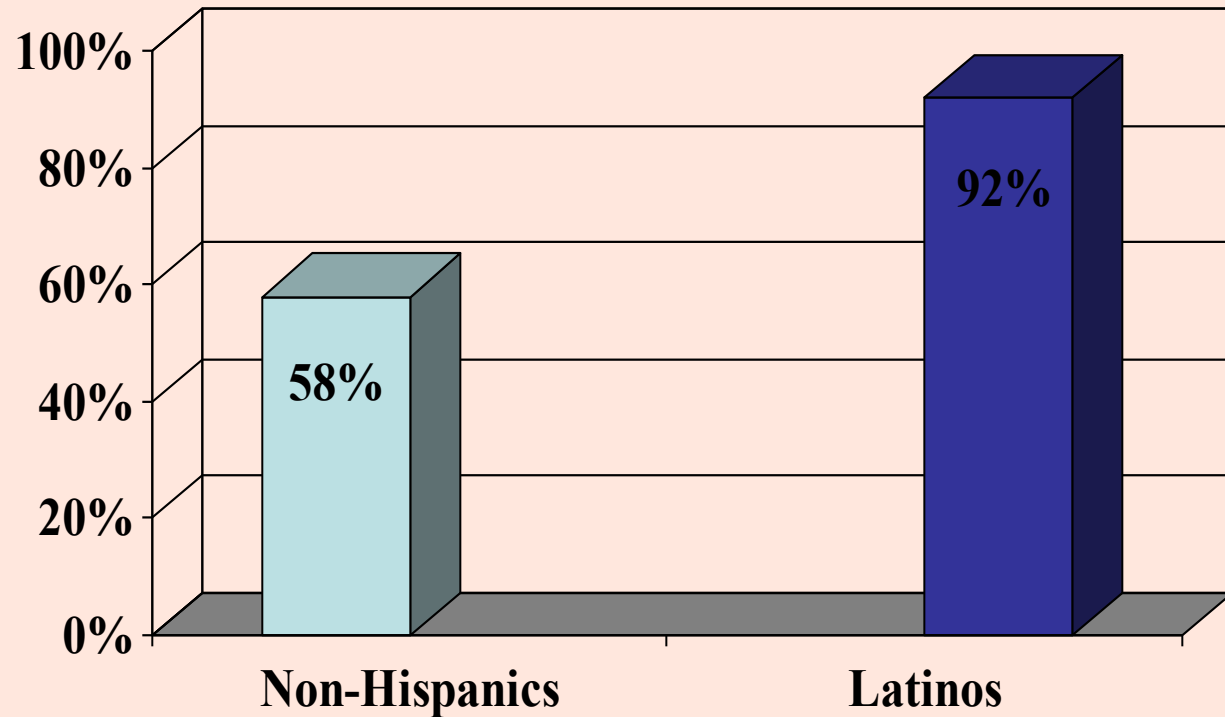
**Latinos, 13% of the general population, are overrepresented among prison, jail, and parole populations.**



**Sources:** U.S. Census Bureau (2004) and U.S. DOJ (2003).



# Latinos are detained before trial almost twice as often as non-Hispanics.



**Source:** Bureau of Justice Statistics (2002).  
*Compendium of federal justice statistics, 2001.*



**Latinos are detained before trial almost twice as often as Whites.**

- Yet, Hispanic defendants are the ***least*** likely of all groups to have a criminal history.

***Then why are Latinos so much more likely to be arrested and detained than non-Hispanic Whites?***



## Latinos are disproportionately arrested and convicted for low-level drug offenses.

- In 2001, Hispanics were arrested by the Drug Enforcement Agency (DEA) **at a rate nearly three times their proportion in the general population.**
- And Hispanics accounted for nearly half (**43%**) of the individuals convicted of drug offenses in 2000.





## Latinos are not more likely to use drugs than their counterparts.

Yet, according to federal health statistics, drug use rates per capita among minorities and White Americans *are remarkably similar*.

Also, many states report that as many as 70-80% of individuals in prison for drug offenses were convicted for violations involving *50 grams or less* of drugs.

Incarceration for drug offenses skyrocketed from 16% in 1970 to 55% in 2002.



***Latinos are disproportionately charged with drug offenses.***

Because Latinos are disproportionately ***charged*** with drug offenses, and because prison has become the sentence of choice for such offenses, more and more Latinos are being ***incarcerated*** for low-level, nonviolent drug offenses.

Yet, of all racial/ethnic groups, Hispanics are the ***least*** likely to have the opportunity to participate in drug treatment programs.

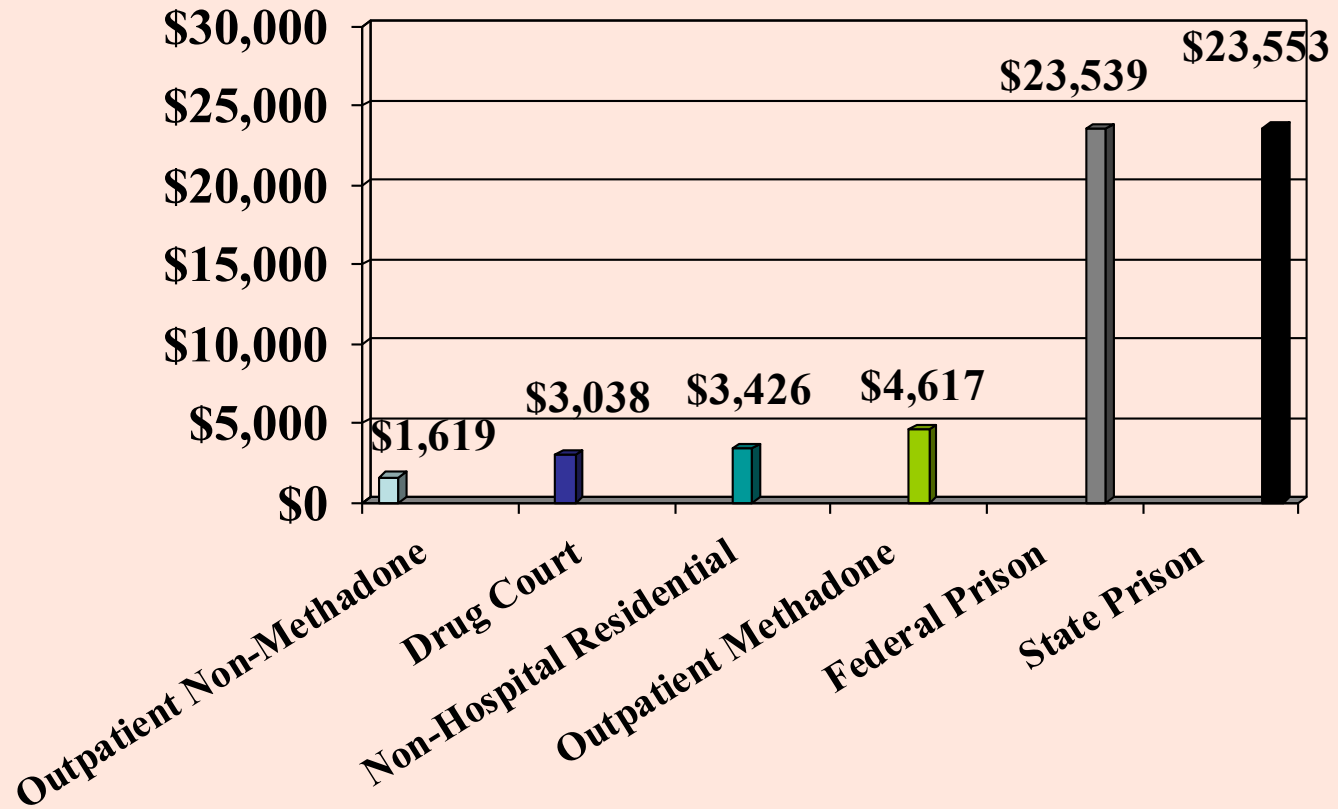


# *Treatment Works*

Research has shown that treatment for substance abuse is both ***less costly*** and ***more effective*** than incarceration for low-level, nonviolent drug offenders.



# Annual Per Person Cost:

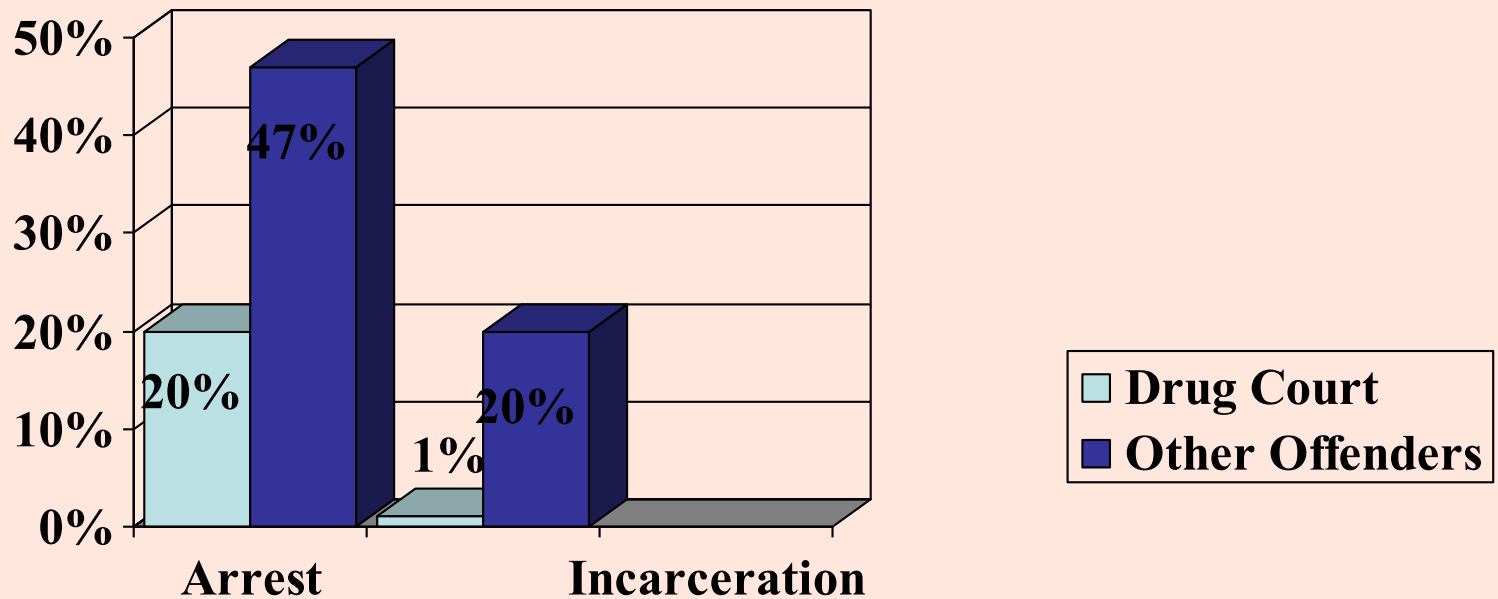




# Treatment effectiveness and savings:

- Texas realized cost savings of \$29.9 million as a result of diverting prison/jail-bound offenders into a multi-component state drug program.
- And Texas drug court participants had significantly lower two-year recidivism rates for arrest and incarceration.

# Recidivism rates for drug court participants versus others (Texas).



Steward Research Group (2003).

*Racial disparities in the Texas  
criminal justice system.*



# *Treatment is Cost-Effective*

- Within the first six months, California's Proposition 36 diverted more than 12,000 individuals from prison to treatment. As a result, lawmakers are considering closing one or two of the state's four women's prisons.
- A study by the Rand Corporation found that for every dollar spent on drug and alcohol treatment, a state can save \$7 in reduced crime costs.

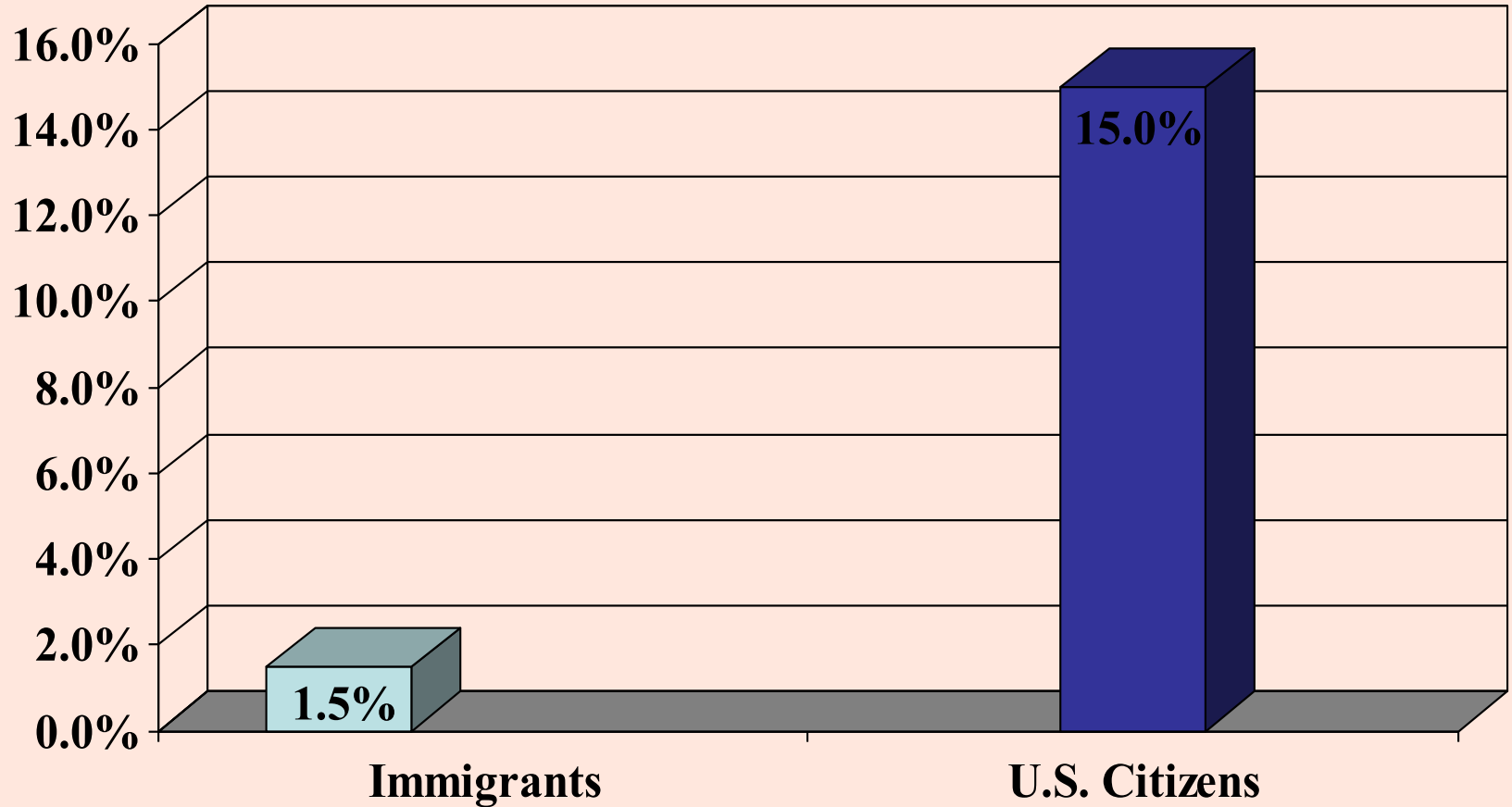


# Latinos are disproportionately affected by immigration policies.

- Arrests for immigration offenses **increased 610%** over ten years -- from 1,728 in 1990 to 12,266 in 2000.
- Latinos constituted a vast majority of those arrested for immigration violations.
- More than 50 crimes – including misdemeanors such as shoplifting or fighting at school – can trigger deportation.



**Yet, U.S. citizens are 10 times more likely than immigrants to be incarcerated for violent offenses.**





## *Lost Opportunities: The Reality of Latinos in the U.S. Criminal Justice System*

**Latinos experience  
discrimination at each  
stage of the criminal  
justice process.**



# Discriminatory Practices with Arrest and Prosecution:

- Racial profiling
- Targeting “high crime” neighborhoods
- “Over-criminalizing” certain behaviors



# Problems with Defense and Sentencing:

- Disproportionate reliance on publicly-appointed counsel
- Harsh “mandatory minimums” sentences
- Biased attitudes



# Problems with Access to Services:

- Documents often not available in Spanish
- Many jurisdictions lack certified translators or do not have translators available when needed
- Staff working with Latinos often are not bilingual or culturally competent



# Issues with Immigration Status:

- Legal counsel often have insufficient training in complex immigration law
- Recent immigration laws have resulted in increased mandatory detention



# Conclusions:

- Latinos, including both adults and youth, are overrepresented and unfairly treated at every stage of the U.S. criminal justice system.
- Treatment versus incarceration for low-level, nonviolent drug offenders is a *smart* approach to crime. It reduces recidivism and costs and maintains community safety.



# NCLR recommends that:

Congress address the unjust treatment of Latinos in the criminal justice system by enacting reforms to make the system:

- Fair, equitable, and accessible for Latinos
- Less costly and more effective than current practices