

Latin American Youth Center (LAYC)
Mexican American Legal Defense and Educational Fund (MALDEF)
National Council of La Raza (NCLR)

January 13, 2004

The Honorable Anthony Williams
Mayor
District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Mayor Williams:

On behalf of the undersigned local and national civil rights organizations representing the Latino community in the District of Columbia, we write to express concern about the legislative response chosen to address the recent incidents of youth violence in the city and to urge your careful consideration of these proposals.

We believe that both the *Juvenile Justice and Parental Accountability Act of 2003* (#B15-0460) and the *Omnibus Juvenile Justice Victim's Rights and Parental Participation Act of 2003* (#B15-0537) are substantively flawed. Moreover, they send the wrong message to the Latino community and the public at large. First, these bills ignore the root cause of the problem and instead rely almost exclusively on excessive, punitive measures that would undoubtedly send more vulnerable youth to adult jails. Second, they jeopardize community-policing efforts by fostering mistrust between the Latino community and law enforcement, which will inevitably deter the community from coming forward to report crime, serve as witnesses, or serve in a jury. Third, they set up anti-family policies by punishing parents or guardians whose children commit delinquent acts simply because of their familial relation. And finally, they do not provide a constructive alternative to violence, eliminating the ability of youth, parents, and government to redirect negative attitudes and behaviors to ensure that youth in the District of Columbia become healthy, contributing members of society.

Additionally, we believe that these legislative vehicles will have a negative, disparate impact on the Latino community. Certain provisions of the legislation are overly broad and could have adverse immigration consequences even for legal immigrants. Recently, the D.C. Metropolitan Police Department has resorted to calling federal law enforcement personnel as a deterrent to gang violence. In this way, MPD has indirectly raised the specter of a federal immigration enforcement response to local criminal activity even though MPD has committed itself not to engage directly in immigration enforcement. The legislation currently under discussion would likely encourage such blurring of the lines between federal immigration enforcement and local criminal law enforcement. In addition, the proposed increases in penalties for violence have serious and unique implications for the Latino community. Legal immigrants convicted of crimes and whose sentence exceeds one year, whether or not the sentence is actually served, could face deportation with *no* opportunity for relief. Moreover, recent research shows conclusively that measures such as those embodied in these proposals result in disproportionate minority confinement of youth. According to Building Blocks for Youth's report, *¿Donde Esta La Justicia?* Latino/a youth, similar to African American youth, are arrested at much higher rates than White youth. Latino youth were:

- Almost twice as likely as White youth to be arrested for property and nonviolent drug offenses.
- Prosecuted as adults 2.4 times as often as White youth.
- Incarcerated longer – an average of 143 days – than White youth similarly charged.

In short, the proposed legislation combined with additional current Administrative initiatives, appear to ensure nothing less than government-sanctioned racial profiling of minority youth in the District.

Alternatively, we urge the implementation of the Mayor's Blue Ribbon Commission report, *Youth Safety and Juvenile Justice Reform*, released on November 6, 2001, as a solution to youth involved in the juvenile justice system. Some of the Mayor's report recommendations include:

- Redirecting savings from the closure of Oak Hill to expanding and creating research-based, community-based alternatives to detention for nonviolent offenders, including substance abuse and mental health prevention and treatment programs.
- Rejecting measures that send more D.C. youth to the adult criminal justice system.
- Assessing existing community-based providers and building capacity for potential new ones to render programs and supervision for youth under the District's care.

Additionally, we recommend the implementation of alternatives to youth detention based on "positive sanctions," including comprehensive job training programs that provide youth who come into contact with the juvenile justice system the tools necessary to master a skill that offers better opportunities to find and retain employment and become productive members of society. Similar measures have been proven successful in places such as: Multnomah County, Oregon; Cook County, Illinois; and Santa Cruz County, California.

We strongly urge you to more carefully and deliberately consider the issues before you and not rush to judgment in adopting a solution, which could affect the lives of thousands of District Latino youth and their families, including many who have no gang involvement whatsoever. Representatives from the Latin American Youth Center (LAYC), the Mexican American Legal Defense and Educational Fund (MALDEF), and the National Council of La Raza (NCLR) respectfully request a meeting with you to further explore solutions and alternatives to this problem. We will be contacting your office soon.

Sincerely,

Lori Kaplan
LAYC

Marisa Demeo
MALDEF

Charles Kamasaki
NCLR

cc: D.C. Council Members