

DISTRICT OF COLUMBIA RESPONSES TO YOUTH VIOLENCE: IMPACT ON THE LATINO COMMUNITY

A comprehensive new report reveals that juvenile justice proposals introduced before the D.C. Council over the last year would be ineffective and would have an unfair negative impact on Latinos if adopted into law. In the fall of 2003, D.C. Council members and the Mayor of the District of Columbia introduced juvenile justice proposals in response to incidents of alleged gang violence, some of which involved Latino youth, as well as other high-profile violent incidents involving young people in the District. In June 2004, the Council acted on the various bills introduced in the fall of 2003. A final vote is scheduled to take place in September or October 2004.

The current version of the juvenile justice reform legislation eliminates many of the problematic measures contained in the bills originally proposed in the fall of 2003. However, some negative measures are still under consideration and others may resurface.

This report, the first ever to examine issues related to Latino youth and D.C.'s justice system, offers a timely analysis of the legislation considered by the Council and concludes that, while District policy-makers acted rapidly in the wake of gang encounters to suggest ways to impose a more punitive system, these same officials did not adequately consider the unique negative impact that the reforms would have on Latino youths and their families. District officials also largely ignored the recommendations of the Mayor's own Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform, which provide a sound blueprint for effective reform based on research and experience from around the country.

KEY FINDINGS

- Latino youth appear to be involved in the D.C. criminal justice system at a rate that is disproportionate to their representation in the population of the city and which is not easily explained by factors other than race.
- The data are sparse because the District of Columbia does not collect and analyze statistics regarding the racial and ethnic makeup of youth involved in the criminal justice system, even though federal law requires it to do so.
- The bills proposed before the D.C. Council in the fall of 2003, if adopted, would have led to the initiation of deportation proceedings against many Latino youth and their families, including legal permanent residents (green card holders) and others legally in the United States. Deportation is an extreme penalty and a drastic measure, which is imposed in addition to any sanction applied in the criminal justice system and which unfairly has an impact on immigrants alone.
- Measures introduced in the D.C. Council in the fall of 2003 limiting the ability of families to obtain government benefits and services, including driver's licenses and subsidized

housing, would have had a particularly harsh impact on Latino families who already face major barriers in accessing D.C. government programs.

- The punitive measures proposed by the D.C. Council in the fall of 2003 would not be effective in combating crime. A number of studies have shown that the best strategies for combating youth crimes are those that focus on education (such as after-school programs), skills training, individual counseling, and behavioral programs.

RECOMMENDATIONS

The Mayor and Council for the District of Columbia should:

- Reject any efforts to revive punitive proposals brought before the D.C. Council, which would potentially have a negative and disproportionate impact on Latinos and other persons of color.
- Incorporate additional elements of the Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004 (B15-0673) and other positive rehabilitative measures into the legislation finally adopted as law.
- Conduct oversight to ensure that D.C. government agencies improve their collection of data regarding criminal justice issues, disaggregate these data by race and ethnicity, compile the data in a readily understandable manner, and make the data publicly available.
- Establish a mechanism for hearing and addressing the concerns of Latino community leaders and stakeholders regarding criminal justice issues.
- Call upon the relevant D.C. government agencies to enhance bilingual and culturally competent services for Latino youths and families who come into contact with the criminal justice system by, among others: a) recruiting, hiring, and training bilingual and culturally competent personnel, including prosecutors, public defenders, and social workers; b) expanding bilingual and culturally competent alternatives to detention programs and social service programs; and c) supporting effective community-based organizations in the Latino community that provide services to at-risk youth.
- Conduct oversight to ensure that the relevant D.C. government agencies: a) train their personnel, particularly public defenders and social service providers, regarding the immigration consequences of criminal sentences imposed on noncitizens; and b) develop guidelines prohibiting prosecutors and judges from taking immigration status into account as a negative factor in decisions about detention, transfer to adult court, and disposition.