

# INEQUALITY PERSISTS: LATEST INFORMATION ON LATINO YOUTH IN THE U.S. JUSTICE SYSTEM

The Campaign for Youth Justice and the National Council of La Raza (NCLR) released *America's Invisible Children: Latino Youth and the Failure of Justice* in May 2009. In addition to providing the latest facts about Latino youth in the U.S. justice system, the report highlights promising solutions and policy recommendations to reduce the disparities in treatment that they face at every stage of the process. The complete report is available at [www.campaignforyouthjustice.org](http://www.campaignforyouthjustice.org) and [www.nclr.org](http://www.nclr.org).

## KEY FINDINGS

On any given day, close to 18,000 Latino youth are incarcerated in America. The majority of Latino youth are incarcerated for nonviolent offenses and most are held in juvenile facilities. However, nearly one in 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 treated more harshly than White youth for similar offenses at all stages of the justice system. Compared to White youth, Latino youth are 4% more likely to be petitioned, 16% more likely to be adjudicated delinquent, 28% more likely to be detained, and 41% more likely to receive an out-of-home placement. The most severe disparities occur for Latino youth tried in the adult system. Latino children are 43% more likely than White youth to be waived to the adult system and 40% more likely to be admitted to adult prison.

Nine out of ten (90%) Latino youth live in states that permit or require the detention of youth prosecuted in the adult system, even before a trial. As a result, among Latino youth detained pretrial in the adult system, 72% are held in adult jails according to a study of 40 jurisdictions.

Youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility. This increased risk of suicide is particularly problematic for Latino youth, who are nearly twice as likely as White youth to attempt suicide in the general population.

Latino youth as a group are already the most likely to be out of school and without a high school diploma, and prosecution in the adult system only creates further barriers to education. Many youth who are incarcerated in adult jails do not have access to education; 40% of jails provide no educational services at all according to the most recent education survey. Economists have calculated that each Latino male who graduates from high school is associated with a savings to the criminal justice system of more than \$38,000. Rather than prosecuting and incarcerating youth in the adult system, young people should be connected to culturally competent programs and services in the community.

The majority of youth who are tried in the adult system are not serious offenders but rather have committed minor or nonviolent offenses. Data from California show that many youth are prosecuted in the adult system for misdemeanors and 40% of Latino youth convicted in the adult system do not receive a prison sentence. In addition, many young people tried in the adult system have never had an opportunity to receive services in the juvenile system to get them on the right track. Data from Arizona show that almost 30% of Latino youth who were transferred or directly filed in adult court had no prior referrals to juvenile court or only one previous referral.

The U.S. Department of Justice, the Centers for Disease Control and Prevention, and the Brookings Institution have all issued reports showing that youth who are tried as adults are, on average, 34% more likely to commit crimes than youth retained in the juvenile justice system.

The overwhelming majority (91%) of Latino children are U.S. citizens. Many Latino children live in mixed-status families with one or more parents who are immigrants. Research has found that immigrants have lower crime rates than the native-born population.



Source: Neelum Arya et al., *America's Invisible Children: Latino Youth and the Failure of Justice* (Washington, DC: Campaign For Youth Justice and National Council of La Raza, 2009).