

Promote Safe Communities and Brighter Futures

Background

In 2009, Congress will decide on a critical issue affecting many Latino youth: whether or not to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA). This law provides federal standards and mandates for safeguarding the care and custody of children and youth in the juvenile and criminal justice systems. Without such protections, many young Latinos will face a justice system that lacks accountability and fairness. Specifically, powerful core requirements in the JJDPA reauthorization include:

- Ensuring adequate data collection and reporting of Latino children in every stage of the justice system
- Developing, modifying, and implementing culturally and linguistically competent policies, practices, and programs
- Keeping children under age 18 within juvenile court jurisdiction
- Supporting community-based alternatives to incarceration for low-level, nonviolent offenders, including those guilty of status offenses such as truancy and curfew violations

NCLR's Position

The National Council of La Raza (NCLR) supports reauthorization of JJDPA with strengthened core requirements as a step in the right direction toward ensuring the reduction of racial and ethnic disparities, maintaining safer communities and improving system accountability. Furthermore, NCLR believes in using the strength and effectiveness of rehabilitative programs and services from Latino community-based organizations to address the root causes of crime.

Main Considerations

- **Without the core protections outlined in JJDPA, Latino youth will not be treated fairly by the justice system.** Reauthorizing JJDPA will hold systems accountable in addressing this issue by ensuring appropriate and equitable treatment that takes into account the cultural and linguistic needs of Latino youth. Oftentimes, Latino youth experience disproportionate referrals to the juvenile justice system by schools or police, resulting in incarceration when Latino community-based services and programs could have helped them stay in school and avoid having a criminal record. Under JJDPA, states would be required to assess and address the disproportionate experience of youth of color at key points of contact in the juvenile justice system—and employ strategies such as alternatives to incarceration.
- **An adult jail or prison is no place for a child.** Under no circumstances should a child or adolescent be placed in an adult jail or prison. JJDPA reauthorization will address this issue by strengthening the Deinstitutionalization of *Status Offenders* (DSO) core protection, which prohibits the locked detention of status offenders, by removing the Valid Court Order and Interstate Compact exceptions. In addition, it will extend the *jail removal* and *sight and sound separation* core protections to all youth under the age of 18 held pretrial, whether charged in juvenile or adult court. Finally, it will change the definition of “adult inmate” to allow certain States to continue to place youth convicted in adult court in juvenile facilities rather than adult prisons without jeopardizing federal funding.

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