

Four Critical Issues Affecting Latino Youth in the Juvenile Justice System

Disproportionate Minority Contact

Disproportionate Minority Contact (DMC) occurs when the number of minority youth in the justice system represents a higher percentage than their representation in the general population. Latino youth are often unfairly targeted for police stops, arrested, detained, waived to adult criminal court, and sentenced to serve longer periods of time than their non-Hispanic counterparts. As a result, Latino youth are significantly overrepresented and receive harsher treatment than White youth, even when charged for the same types of offenses.

Adultification (Transfer into the Adult System)

Adultification occurs when a child or youth is tried as an adult (in adult court) and sentenced to confinement in adult facilities. Many Latino youth are disproportionately transferred into adult criminal courts, jails, and prisons. In addition, youth placed in the adult system are shown to be at greater risk of committing suicide, being sexually assaulted, being physically assaulted by staff, or being attacked with a weapon. Furthermore, the adult criminal justice system is not equipped or designed to treat and rehabilitate youth.

Anti-gang Laws

Over the past few years, there has been a trend in the enactment and implementation of anti-gang laws across the nation. While gang violence is a serious problem that affects the Latino community directly, laws which purport to secure the community actually harm it by disproportionately targeting Latino youth – leaving a negative impact on their families – simply because of where they live, who they associate with, or how they look. Anti-gang laws increase the use of racial profiling among police and justice system personnel, as they give license to stereotype Latino youth.

Community-based Alternatives to Incarceration

Community-based alternatives to incarceration are a smarter and more cost-effective solution to nonviolent youth crime. Research has shown that community-based treatment programs that are culturally- and linguistically-appropriate reduce recidivism rates among Latino youth. Such alternatives reduce the justice system's overreliance on a "one size fits all" approach – incarceration. These alternatives also keep children close to their families and communities while they are supervised, receive treatment, and cultivate life skills. Moreover, alternatives to incarceration restore community safety and increase confidence in the justice system.

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