



## 2009 NDTAC National Conference

### Session Notes

<b>Session Title</b>	<b>Overrepresentation and Emerging Populations in Juvenile Justice</b>
<b>Presenters</b>	Cassandra Villaneuva and David Osher
<b>Date and Time</b>	Tuesday, June 23, 2–3:15 p.m.

#### Summary

This session consisted of two presentations, the first by Cassandra Villanueva and the second by David Osher. Below are summary notes for each of these presentations.

#### **Cassandra Villaneuva**

##### ***America's Invisible Children: Latino Youth and the Failure of Justice***

As cited in [America's Invisible Children: Latino Youth and the Failure of Justice](#), a recent publication by the [National Council of La Raza \(NCLR\)](#) and the [Campaign For Youth Justice \(CFYJ\)](#), approximately 18,000 Latino youth are incarcerated in America each day for mostly nonviolent crimes. These youth are also typically treated more harshly by the system than youth of other ethnicities. Such disparities reflect a state of crisis in the juvenile justice system—a system charged most essentially with the care and rehabilitation of children. For Latino youth, issues of language and culture are key aspects of this crisis.

Current behavior management and juvenile justice practices, including evidence-based practices, are not necessarily tested for effectiveness on Latino communities. For instance, culturally, these practices do not typically take into account such prominent aspects of Latino culture as larger-than-average households, youth having multiple caretakers, and basic culturally based differences in behavior (e.g., the avoidance of eye contact indicating respect rather than disrespect). Linguistically, the juvenile justice system may encounter such unique issues as Latino youth bonding with their translators rather than therapists in the course of therapy or courts and facilities having Latino youth serve as translators for their parents without regard to the difficulty for or psychological impact on the youth.

To properly address the cultural and linguistic issues that have been found to crucially mitigate the disproportional representation of these “invisible” youth in the juvenile justice system, any effective solution necessitates meaningful collaboration between the system and leaders of the Latino community.

#### **David Osher**

##### ***Disproportional Minority Representation in the Juvenile Justice System***

In looking at disparities in a single system, it may be possible to find explanations for why these exist and to see only technical solutions. In looking across multiple systems, disparities no longer seem so technical. Disparities can be found in any system—education, special education, child welfare, mental health, physical health, substance abuse prevention and treatment—even when controlling for individual factors that might explain the disparity in a particular case. In order to understand the degree with which Black, Latino, and First Nation youth in the system experience disparities, it is important to look at the breadth and depth of their experiences – these youth experience disproportionate risk; disproportionate access to treatment, particularly appropriate treatment; and disparities related to case identification. They are less likely to receive appropriate healthcare; more likely to encounter environmental toxins; more likely to receive punitive, restricting, and segregating interventions; and less likely to receive preventive and supportive ones. For example, when compared with their Caucasian peers, African American students with emotional disturbance are identified later; are more likely to be placed in restrictive settings;

and are less likely to receive supportive interventions such as counseling – or as high a dosage of such supportive interventions.

Although it is politically incorrect and less common today for individuals to be outwardly prejudiced, people quite often make prejudiced decisions without ever confronting their inherent prejudice. As illustrated in the movie *Crash*, in contemporary American society it is hard not to grow up to have some extent of prejudice, and outward responses to different situations may depend on how powerful or powerless one feels. The value of having cultural competency is not that it makes the issue go away, but rather that it promotes awareness and allows individuals to perform their jobs fairly and as best possible despite inherent prejudices.

Staff and program administrators can be *trained* to assess and treat youth in a manner that is culturally and linguistically competent. To truly address the issue, individuals must be trained to recognize it at all the different points at which it exists. This requires looking at not only the disproportionate number of negative experiences and practices confronted by youth in the system, but also their disproportionate lack of positive experiences.

## **Q&A / Comments**

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**Q1:** Can you give us some background on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A)?

**Cassandra Villanueva:** Right now, a host of organizations support JJDP A. The Act first became law in 1974 and provided Federal funding for prevention and intervention programs. JJDP A has four core requirements: (1) reduce ethnic and cultural disparities (this is new language this year); (2) separate youth, both sight and sound, from adult prisoners when youth are sentenced to adult prisons; (3) deinstitutionalize status offenders; and (4) tighten the exceptions that allow juvenile offenders to be housed in adult prisons. The Act also focuses on making sure that youth are treated appropriately and with alternatives to incarceration – as locking a child up can be more expensive than paying a year’s tuition at Harvard – and that money goes to training culturally and linguistically competent staff and towards models for assessing linguistic and cultural competence. We are currently waiting for Congress to move on the reauthorization of JJDP A.

**Q2:** How much of this issue is due to Latino youth and families not understanding and stating their rights?

**Cassandra Villanueva:** That is definitely an issue. Parents often cannot communicate, let alone negotiate, with a judge to advocate their parental rights. Additionally, judges often do not know about resources available through the local Latino community (e.g., mental health providers), and parents are not able to communicate the availability of such options to the judge.

**David Osher:** You may also find it useful to visit the [National Alliance of Multi-Ethnic Behavioral Health Association \(NAMBHA\) Web site](#). NAMBHA is composed of diverse associations that are interested in eliminating disparities in mental and behavioral health and improving the well-being of racial/ethnic children, adults, families, and communities.

**Q3:** Do you believe that Latino parents generally know about their right to be involved?

**Cassandra Villanueva:** There is a lot of miscommunication and miseducation in the Latino community, and parents often don’t understand how it works. NCLR is working to put together videos to address these issues. When parents can be involved in the reintegration of their kids into the community—for example, making sure they’re in the house by curfew and going to school, etc.—that can make a big difference.

**David Osher:** [NDTAC’s Family & Parental Involvement Web page](#) contains some family guides and a family involvement brief. The [most recent guide](#) is designed for program administrators and includes materials that can be used to help get parents involved: It would likely not be expensive to get the guide translated and used in your States. The guide also touches upon a three-tiered

strategy that can help in this effort.

**Q4:** Would you recommend Spanish GEDs?

**David Osher:** The International Baccalaureate Program, a high-prestige program that I reviewed, had a two-language requirement for students. This program was used successfully in New Zealand and Australia to make the program more accessible to indigenous students. It might be useful to consider looking at Spanish and Spanish speakers in this way, whereby proficiency in Spanish is rewarded in much the same way as proficiency in English. Additionally, in terms of math, we've seen that Spanish-speaking students do better when tested in math in their own language.

**Q5:** Cassandra, as someone working with the [MacArthur Models for Change initiative](#), do you generally find education to be represented at the table as a partner?

**Cassandra Villanueva:** Absolutely. In Peoria, Illinois, we found that the majority of juvenile arrests were being made at one particular street corner. That corner turned out to be the local high school. In that case, the school wanted to work with us to reduce referrals. We *need* to have education at the table. It can be difficult to do, and talking about the relationship between juvenile delinquency and school-based policy may be a hard discussion to have. However, we often find that the education side *wants* to be there.

*For any additional questions pertaining to the session or the topics discussed, please contact NDTAC at [NDTAC@air.org](mailto:NDTAC@air.org).*

## **Relevant Resources**

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- [America's Invisible Children: Latino Youth and the Failure of Justice](#)
- [Campaign For Youth Justice](#)
- [MacArthur Models for Change initiative](#)
- [National Alliance of Multi-Ethnic Behavioral Health Association \(NAMBHA\)](#)
- [National Council of La Raza \(NCLR\)](#)
- [NDTAC's Family & Parental Involvement Web page](#) includes the following resources:
  - [A Family Guide to Getting Involved With Correctional Education](#)
  - [Working With Families of Children in the Juvenile Justice and Corrections Systems: A Guide for Education Program Leaders, Principals, and Building Administrators](#)
  - [NDTAC Technical Issue Brief: Family Involvement](#)
- [Technical Assistance Partnership for Child and Family Mental Health: Cultural and Linguistic Competence Community of Practice](#)