

# If Parents Don't Speak English Well, Will Their Kids Get Locked Up?

Language Barriers and Disproportionate Minority Contact  
in the Juvenile Justice System



# Presentation Outline

- > Overview
- > Language Barriers and DMC
- > The Problem
- > Solutions

# Overview

# Project Introduction

- > How do language barriers faced by *parents* of court-involved youth contribute to DMC?
- > Annie E. Casey Foundation funded Vera's study of this little-examined area in juvenile justice.
  - Joint project of Vera's Center on Immigration and Justice and Center on Youth Justice
  - The topic will be of increasing relevance as immigrant populations residing in the U.S. grow.

# Methodology

## > Literature Review

- System decision points' requirement of parental involvement and its effects on a juvenile's rehabilitation.
- Disproportionate minority contact (DMC) and the role of the family in a juvenile's case.

## > Stakeholder Interviews

- Immigrant demographics and availability of data
- Points of contact with family members (focus on arrest to fact-finding hearing)
- Importance of parental Involvement
- Anecdotes about where language barriers prevented parental involvement
- Current approaches to overcome language barriers

# NYC Stakeholders Interviewed

- > Community-Based Alternative to Detention Providers
- > Family Court Administration Staff
- > Family Court Interpreters
- > Family Court Judges
- > Family Court Juvenile Delinquency Prosecutors
- > Family Court Officers
- > Juvenile Defense Bar
- > Juvenile Justice Advocates
- > Juvenile Justice Mental Health Clinicians
- > Probation Staff
- > Youth Police Officers

+ 2 focus groups:

- 1) Juvenile delinquency prosecutors
- 2) Multi-agency workgroup on Court-involve youth

# National Stakeholders Interviewed

- > Berks County, Pennsylvania
- > Clark County, Nevada
- > Cook County, Illinois
- > Marin County, California
- > Multnomah County, Oregon
- > Santa Cruz County, California
- > San Francisco County, California
- > Travis County, Texas

# Issue Background

1) When a parent is not an active participant in a child's juvenile delinquency case, officials believe they must prosecute and detain a juvenile, to:

- Address the child's best interests.
- To preserve public safety.

2) There's a growing number of immigrants residing in the US and a growing number of immigrant youth entering the juvenile justice system.

→ *What's the relationship between:*

- A parents' limited ability to speak English,
- His/her ability to participate in the juvenile justice process, and
- How a child's delinquency case is handled?

# Summary of Findings

- > A police officer may **leave a child overnight in a detention center** because the parent(s) cannot speak English and respond to questions.
- > Parents who cannot read court documents that are only available in English **may not show up for important meetings and hearings** during which decisions to detain or incarcerate their child take place.

# Summary of Findings (cont'd)

- > A limited-English proficient parent may not understand the benefit of “adjusting” a child’s case through an out-of-court agreement, which is an alternative dispute resolution. The **youth's case may be prosecuted rather than resolved out-of-court.**
- > A probation officer or health care clinician asked to determine whether a parent is capable of supervising a child may **recommend that a minor be sentenced to a state-run correctional facility** because an interpreter did not accurately translate the parent’s responses.

# Language Barriers and DMC

# DMC Defined

- > DMC, or disproportionate minority contact, has become a well-recognized umbrella term for the disproportionate representation of adults and youth of color in the criminal and juvenile justice systems.
- > DMC is not restricted to disparities between Caucasians and African Americans.
  - Latino youth are overrepresented in the juvenile justice system.
  - Asian youth encounter tremendous challenges during each phase of the juvenile justice system.
- > DMC may be due to the consideration of a case's “extralegal” factors, including perceptions of parental involvement.

# Parental Involvement in Juvenile Justice

- > Parental involvement is tremendously important at every decision-making point and during the different stages of juvenile processing.
- > Lack of parental involvement – particularly at pre-disposition – can have serious consequences for a child, including:
  - Prosecution instead of out-of-court resolution.
  - Detention while his/her case is pending.
  - Detention in a secure rather than non-secure facility.
  - Harsher dispositions, including incarceration.

# Language Barriers and DMC

- > Language barriers in the juvenile justice system can impede parental involvement.
- > Parents who are limited English proficient (LEP) may face challenges in:
  - Understanding the juvenile justice system.
  - Actively participating at key decision-making points.
  - Being wrongly perceived by decision-makers and officials as “uncooperative” or “uninvolved.”
- > Youth of color with LEP parents may receive disparate treatment as result of systemic language barriers to parental involvement.

# The Problem: Language Access Needs of the JJ System

# When Language is Critical

In New York City, language barriers can arise:

- > At the time of a child's arrest – parents are notified by the police and asked to come to the precinct to pick up their son/daughter.
- > During the probation intake process – officials make eligibility for detention diversion programs contingent upon being able to contact parents and parents being present during the intake interview, among other factors.
- > After a case is filed – parents are requested for court appearances.
- > Once a case is before a judge – judges often consider a parent's appearance in court to be an important factor when determining whether a youth should be “placed” back into his/her community or to a residential correctional facility.

# Need for Bilingual Staff & Qualified Interpreters

## >Out of the courts

- There are few bilingual staff and interpreters who speak Spanish. There are even fewer who speak other languages.
- The few bilingual staff are overburdened.
- There is no additional “bilingual pay” in New York.
- Bilingual staff have not been trained on providing service in a language other than English.

# Need for Bilingual Staff & Qualified Interpreters

- > To fill the gap, juvenile justice officials use the following individuals for language assistance:
  - Untrained civilians, even children;
  - Bilingual school personnel;
  - Bilingual siblings of arrested or truant youth;
  - Community members “off the street;” and
  - Civilians in the agency’s waiting room.
  
- > There are great concerns about the quality and confidentiality of communications in these situations.

# Need for Bilingual Staff & Qualified Interpreters

## >In the courts

- There is a system-wide shortage of interpreters in all languages.
  - Hearings are delayed and even adjourned, sometimes up to three times.
  - After several adjournments, parents may lose motivation to show up to court. They may not be able to take any additional days off work or other responsibilities.
  - Interpreters are not able to assist with important communications that take place out of the court room (i.e., explanations of supervision or release conditions).
- There are concerns about quality of interpretation due to lack of training or diminished capacity of interpreters.

# Critical Juvenile Justice Documents & Forms are not Translated

- >The following documents are only available in English:
  - Family Court Appearance Ticket
  - Adjourment notices
  - Interview requests for mental health and other dispositional evaluations
  
- >LEP parents may not be notified that their participation is expected during important hearings and meetings.

# Solutions & Next Steps

# #1: Conduct research on impacted populations

- > Quantitative research to answer these questions:
  - Are youth with LEP parents remanded to detention at higher rates?
  - Do youth with LEP parents stay in detention for longer periods of time?
  - Do youth with LEP parents experience longer court processing times?
  - Do youth with LEP parents receive more punitive sentences, by either type or length of sentence?
- > Publish and disseminate research findings to the field.
- > Develop an assessment tool for juvenile justice agencies to diagnose their language access needs and reform priorities.

## #2: Deliver technical assistance through juvenile justice practitioners

- > Identify and train “talent” in the juvenile justice field, who can share approaches and lessons learned while seeking to overcome language barriers.
- > Select technical assistance sites.
- > Deliver customized technical assistance.
- > Identify cross-cutting issues and system-wide needs and share with decision makers and policy makers.

# #3: Launch a juvenile justice interpreter bank demonstration project

- > Cultivate a pool of interpreters who are qualified and skilled in interpreting for the juvenile justice profession.
- > Interpreters will provide direct interpreting support to juvenile justice agencies, through a coordinated scheme.
- > The demonstration project will be continuously refined and evaluated, to ensure high-quality service and sustainability.
- > The interpreter bank eventually will be largely supported by the combined resources of New York City's justice agencies through a standardized fee-for-service structure.

# Next Steps

- > Presentation at OJJDP DMC Conference (October, 2007)
- > Dissemination and discussion of concept paper to Coalition of Asian American Children and Families, Children's Defense Fund, Stanford Law Immigration Clinic, MacArthur Models for Change Resource Bank
- > Presentation to New York City Interagency Coordinating Council Court-Involved Youth workgroup, convened by the New York City Department of Youth and Community Development.
  - Subgroup to develop multilingual fact sheets for families of court-involved youth.
- > Juvenile Detention Alternatives Initiative - JDAI (help desk listserve, 2008 conference)

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