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FACT SHEET

A Fair Juvenile Justice System: The Importance of Linguistic and Cultural Competency

The juvenile justice system is complicated for many people, even for those whose first language is English. Understanding the system becomes even more difficult when the child involved in the juvenile justice system and his/her parents do not speak English well or are limited English proficient (LEP). In addition to language barriers, there are cultural barriers that make the system even more complex for people from different ethnic and racial backgrounds. What can be considered a routine process by some people may be perceived as an intimidating experience for others.

Jorge's Story

Jorge is Latino and his parents recently emigrated to the U.S. from Colombia. Although Jorge can speak some English, his parents have not yet learned the language. Jorge gets into a fight at school, pulls out a box cutter, and cuts a classmate on the arm. He is then caught by a school safety officer and taken to a police station.

Given Jorge's and his families' language barriers it will be very difficult for them to navigate the juvenile justice system. Consider some of the challenges they will face at every stage of the system:

1) Arrest: He will not be able to fully understand the implications of the arrest.
2) Family notification: His parents will not be able to know where he is or what happened.
3) Detention: Jorge's parents will not be able to understand what is going on with his case.
4) Adjudication: His parents will not be able to communicate with the judge, social workers, and others who are investigating Jorge's family ties.
5) Placement/supervision: Jorge's language barriers will prevent him from being able to understand and follow orders given by detention center staff.
6) Access to programs: Jorge will have limited options for community-based programs because there are very few programs that can serve him adequately.

What Is Cultural and Linguistic Competency?

Linguistic competency is achieved through effective communication that conveys information in a manner that is easily understood by diverse audiences including persons of limited English proficiency, those who have low literacy skills or are not literate, and individuals with disabilities.

The concept of "cultural competence" is based on the adaptation of values and principles embracing the development and implementation of systems, policies, administrative practices, and service deliveries that effectively communicate with the youth and their families – taking into account cross-cultural factors and institutionalizing such cultural knowledge. The pursuit of competency must involve a system that values diversity, has the capacity for cultural self-assessment, is conscious of the dynamics present when cultures interact, acquires and institutionalizes cultural knowledge, and adapts to diversity and the cultural contexts of the communities they serve.[1]

Why Is System-Integrated Competency Important?

Implementing standards of linguistic and cultural competency is critical, given that in 2003, youth of color comprised 61% of all youth committed or detained in juvenile justice facilities.[2] However, despite this growing number, many jurisdictions are still not receiving or seeking adequate technical assistance to implement integrated system changes that have the ability to holistically address the needs of youth of color and LEP youth. Some of these changes may involve the requirement of hiring bilingual staff or translating all written and verbal information in languages other than English. Ultimately, the goal to make integrated system changes creates an environment and process that is fair and more responsive to the needs of children, while providing safety nets that reduce the likelihood of recidivism. Good communication and cultural understanding are prerequisites to a fair, efficient, and effective justice system.

How Can Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) Address this Issue?

While ensuring that juvenile justice system procedures are culturally and linguistically competent may be a challenge faced by many jurisdictions across the nation, it is critical that jurisdictions with high concentrations of LEP people make it a priority to provide adequate services for those system-involved youth and their parents. The reauthorization of the JJDPA offers a unique opportunity to address this growing need. Specifically, under the JJDPA, states are mandated to address the issue of Disproportionate Minority Contact (DMC). Addressing and reducing overrepresentation of youth of color in the justice system requires collecting data by race and ethnicity. Understanding at which point in the system youth of color are overrepresented helps identify the necessary interventions and mechanisms needed to reduce DMC. Some of which may include:

- Implementing programs, policies, and practices that are culturally and linguistically competent in an effort to create a system more responsive to the needs of all system-involved children.
- Establishing guidelines that ensure that justice system staff have the skills and abilities to provide services to a diverse population.
- Providing ongoing training in cultural sensitivity, cultural competence, and the dynamics of disproportionate representation and disparate treatment of youth of color including Latino youth in the system.
- Providing written materials and verbal information in languages other than English. The written materials should be at the level of reading proficiency of the local population.
- Conducting surveys of youth involved in the system and their families to determine what barriers to service and family involvement exist. Encourage family conferencing and parental involvement at all levels.

The Reauthorization of the JJDPA supports funding for community-based programs that serve as alternatives to detention and confinement. Many community-based organizations have demonstrated significant effectiveness in serving system-involved and at-risk youth because they are able to provide services that are culturally and linguistically appropriate, addressing the needs of youth and their families.

For more information, contact
NCLR Latino Juvenile Justice Network Coordinator
Cassandra Villanueva at (202) 776-1810 or cvillanueva@nclr.org.

1. Cross, T., B. Bazron, K. Dennis, and M. Isaacs, "Towards a Culturally Competent System of Care," Volume I. Washington, DC: Georgetown University Child Development Center, CASSP Technical Assistance Center, 1989.
2. Sickmund, M., T. Sladky, and W. Kang. *Census of Juvenile in Residential Placement Databook,* 2005. Available on line at: http://www.ojjdp.ncjrs.org/ojstatbb/cjrp