



"We Want to Know What They Are Saying"

A Multiagency Collaborative Effort to Address Parental Language Barriers and Disproportionate Minority Contact

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November 2009

Introduction

In 2007, the Vera Institute of Justice published *If Parents Don't Speak English Well, Will Their Kids Get Locked Up? Language Barriers and Disproportionate Minority Contact in the Juvenile Justice System*, highlighting the relationship between parental language barriers and the disproportionate minority contact (DMC) of youth in the juvenile justice system. Our findings, which relied on an analysis of the available research and stakeholder interviews, concluded that language barriers faced by parents could lead to deeper system involvement for youth.

Two years later, *If Parents Don't Speak English Well, Will Their Kids Get Locked Up* continues to be one of the few published reports that discusses the relationship between language barriers and DMC. This white paper chronicles the Vera Institute's continued efforts to increase limited English proficient (LEP) parents' participation in the juvenile justice system. In New York City, the Vera Institute has helped set the agenda for a multiagency collaborative work group whose mission is to provide parents with the information necessary to understand their role in the juvenile justice system regardless of what language they speak.

The Vera Institute hopes that our multiagency collaborative efforts will inspire other jurisdictions to develop their own projects that seek to minimize the impact of parental language barriers on DMC. This white paper will provide an overview of DMC and language access, discuss the development of a multilingual informational resource through our work-group collaboration, and provide an overview of lessons learned.

This research was funded by the Annie E. Casey Foundation. We thank them for their support but acknowledge that the findings and conclusions presented in this report do not necessarily reflect the opinions of the Foundation.

Section I. Overview of DMC and Language Access

Disproportionate minority contact (DMC) is an umbrella term for the disproportionate representation of individuals of color in the criminal and juvenile justice system.¹ While specific data on youth and DMC are not as widely available as that for adults, research and practice suggests that minority youth, especially African American and Latino youth, are more likely to be involved with the juvenile justice system.² Various studies have found the proportion of African American and Latino youth who are arrested, placed in detention, or placed in correctional facilities is up to four times their representation in the general population.³ Various factors can contribute to disproportionality in the juvenile justice system including extralegal factors, such as youth's race or ethnicity, family circumstances, residential neighborhood, and parental involvement. For many key decision points in the juvenile justice system, parental involvement is crucial.⁴

For example, in New York City parental involvement is critical if a child is being prosecuted in Family Court. During the Family Court arraignment process, a parent will often be asked to speak with a probation officer, who acts as a fact finder for the court. After speaking with a child's parent, a probation officer may recommend that a child be released to his or her parents, be put on probation, or continue to be held in detention. A parent who does not speak English may not be able to advocate for his or her child by offering positive information, such as a child's good grades, school attendance, or work with community or religious organizations.

In addition, there are various other situations in which language barriers may negatively impact a child's opportunities to be released back to his or her parents. For example, language barriers may cause court personnel to deem a family unable to supervise their child and therefore make the child unsuitable for release.⁵ Similarly, a parent may not understand court documents requesting a meeting or announcing a hearing and therefore not attend those appointments because the notice was not translated.⁶ Indeed, various studies have found that if parents are deemed "uncooperative" or "uninvolved," judges and other decision makers will select more stringent placement options for the youth.⁷ Unfortunately, our previous work found that juvenile justice agencies in New York City often lacked language assistance services to communicate with parents. Juvenile justice agencies regularly relied on informal and untrained interpreters, including uncertified bilingual staff and child interpreters.⁸

Section II: Work-Group Process

The Department of Youth and Community Development's (DYCD) mission is to work with New York City residents to develop family and youth programs. DYCD's programs are developed with input from parents and youth and are often the product of multiagency partnerships. As part of its efforts to be responsive to the needs of court-involved youth in New York City, DYCD established the Interagency Coordinating Council on Youth (ICC) where city agencies meet bimonthly to discuss emerging youth issues and ideas for solving persistent problems in the juvenile justice system. In 2007, the Vera Institute met with members of the ICC for a focus group that aimed to gather information about justice system practitioners' experiences with LEP families of court-involved youth. The information shared during the focus group informed our 2007 white paper, which found that parental language barriers may lead to deeper system involvement for youth. After being briefed on our findings, the ICC discussed how members could collaboratively work together to address language barriers impacting New York City's court-involved youth and their families.

Work-Group Formation and Mission Development

The Vera Institute's research and the ICC members' evidence informed our belief that language barriers faced by parents could result in deeper court involvement for youth exposed to the justice system. ICC members decided to develop a work group to collectively strategize on how to address this system-wide issue. The work group convened a subset of members of the ICC—stakeholders from government agencies, nonprofit organizations, and other stakeholders including the Administration for Children's Services, the Department of Corrections, the Department of Juvenile Justice, the Department of Probation, the Kings County (Brooklyn) District Attorney's Office, The Legal Aid Society, the Midtown Community Court, and the New York City Mayor's Office of Immigrant Affairs.

The ICC members' experiences in the field led the work group to believe that parents, especially LEP parents, did not have the information necessary to make informed decisions at various critical points of the juvenile justice system. In order to address this lack of information, the work group decided to develop an informational resource for parents. In order to define the need and scope of our resource, we began our efforts by nationally surveying the existing resources available to parents whose children were at-risk or court-involved. Our initial survey,

which was conducted by a Guggenheim Foundation Criminal Justice and Crime Prevention Fellow interning at the Vera Institute, served various purposes.

First, our survey allowed us to confirm that a resource for parents was actually needed. While we were able to identify several resources that pertained to language access, DMC, juvenile justice, and/or immigrants in general, we found no resources that addressed all these issues comprehensively and were targeted to parents of court-involved youth. Second, our survey also ensured that work-group members would not duplicate the efforts of other government or nonprofit actors. This was extremely important to our work-group members since they were volunteering their time and did not want to develop a resource that already existed. Third, surveying resources allowed us to identify good models that could be templates for our future resource and poor models that were unsuccessful in improving access, including several parent resources that did not take into consideration the needs of LEP parents and were written at very high literacy levels or with too much technical jargon. Finally, our survey confirmed that few available parent resources were translated into Spanish or other languages, which was a critical gap, in light of the Vera Institute's finding that the lack of translated resources is an obstacle to parents' participation in the juvenile justice system.⁹

The survey clearly set forth a mission for the work group: to produce a multilingual informational resource that would provide parents with tailored information about their rights, responsibilities, and role in their child's juvenile justice case.

Informing and Vetting Our Work through Community Input

Our multilingual informational resource, which was designed as a 12-page brochure, would have content that was both informed and vetted by the community. As a work group, we decided to solicit input from the community through focus groups comprising parents and other individuals who were involved with the justice system. Our primary goals in conducting focus groups were to: 1) identify the barriers that participants believed prevented their full participation in the juvenile justice system, and 2) determine information they needed in order to overcome those barriers. In developing our focus groups, we reached into our work-group members' networks to identify community members who would be able to contribute to the project. We conducted focus groups with groups that best represented the populations that would most likely

benefit from our resource. The focus groups were conducted in partnership with the following programs and institutions:

- Young men who were court-involved (through Create Young, a young men's shelter in Manhattan);
- Young fathers who were incarcerated at Rikers Island, New York City's main jail facility for adults and 16- and 17-year-old youth;
- Chinese-speaking immigrants who had who had experiences with the justice system (through the Garden of Hope, a community center in Queens);
- Court-involved youth who were participating in Times Square Youth, a job readiness program in Manhattan;
- Young women who were court-involved (through Turning Point, a young women's shelter in Brooklyn); and
- Court-involved youth (through the Kings County District Attorney's Office Youth and Congregations in Partnership Program).

Our focus groups were held at community sites and each lasted for approximately one and a half hours. Approximately 75 parents and young adults of varied racial, ethnic, linguistic, and social backgrounds participated in the focus groups. Focus groups were conducted in English, Spanish, and Chinese with the assistance of two trained volunteer interpreters. Key findings of the focus groups include:

- Participants were uncomfortable interacting with law enforcement. Many participants had negative experiences with law enforcement that they perceived as being based on bias or racial profiling. Participants were generally unclear about how to interact with law enforcement. For example, they did not know whether they must answer questions from a police officer during arrests and stops.
- Participants generally did not know the basic rights of those involved in the justice system. For example, they did not know that only defendants in the criminal or juvenile justice system had a right to a government-funded court-appointed attorney.
- Participants spoke of experiencing language barriers in the justice system. Some participants were forced to act as interpreters for family members and friends and were overwhelmed because they did not know important legal and criminal justice concepts and terminology. Spanish speakers reported that they also did not always understand

important terms spoken by law enforcement personnel who spoke Spanish, but were from a different country. In addition, participants were often unable to find materials in a language that they could understand.

After conducting the focus groups, the work group analyzed the focus group data to develop the content for the parental resource. The Vera Institute produced the first draft, which was sent to work-group members for additional content and feedback. There was an iterative process of adding, deleting, and refining text by all members of the work group. The content was discussed at several ICC meetings. The Vera Institute also convened one-on-one meetings with work-group members when individual expertise was needed to draft or review a specific section of the brochure. The content was finalized in three months, which was twice as long as originally anticipated. This is because most work-group members were volunteering their time to this project and scheduling conflicts would require that work-group meetings be postponed. Follow-up communication was generally slow due to the busy schedules of work-group members. Additionally, staff turnover at some of the work-group member agencies caused further delays as new staff joined the work group and needed time to get oriented to the project.

In crafting the content of the brochure, the work group aimed to adhere to plain language principles so that the text would be accessible to adults of all literacy levels. Indeed, one of the benefits of our work group was that some of the members were well versed in plain language methodology through their work on various citywide initiatives. The plain language text was then translated into Spanish and Chinese (simplified Mandarin) using two qualified translators. In addition to being native speakers, our translators were well versed in criminal justice terminology and used Spanish and Chinese language criminal justice glossaries developed by the Vera Institute.¹⁰ In addition, each translation was reviewed by a second translator for accuracy and the translated text was vetted by Spanish- and Chinese-speakers through focus groups. As a work group, we also decided to include artwork in the brochure to increase parents' comprehension of the material and make the brochure more appealing to the reader. A student artist from one of New York City's international high schools for immigrant youth was recruited to create the graphics. We believed that the student's background as a recent immigrant from China would help her to develop artwork that was culturally appropriate to the immigrant parent population.

After the text of the brochure was approved by the work group, it was vetted with community members through a new round of focus groups. The goal of these focus groups was to ensure that the content specifically addressed the needs of the community that would ultimately be the consumers of the resource. We conducted focus groups with:

- Parents of incarcerated youth (through the Department of Corrections Manhattan Detention Center);
- Chinese-speaking immigrants who had experiences with the justice system (through the Garden of Hope community center in Queens);
- Spanish-speaking immigrants who had experiences with the justice system (through the Children's Arts & Science Workshop community center in Inwood in upper Manhattan); and
- Court-involved youth (through the Kings County District Attorney's Office Youth and Congregation in Partnership Program).

During the second round of focus groups, we received feedback from 45 parents and young adults. Key recommendations on how to ensure that the content specifically addressed the needs of the community included:

- Participants indicated that the brochure's content should be honed to provide additional effective strategies for assisting a child who is involved in the justice system. For example, parents suggested that our resource document include more practical tips to assist parents. One such tip that was included in the final version of the parent resource was that a good way of providing positive information for a child's case is through letters of recommendation or support from community members, which a parent could collect upon a child's initial contact with the juvenile justice system.
- Participants identified gaps in the brochure's content. While parents found the information presented in the brochure useful, they indicated that they needed more information on social service resources for their children. Parents reported that some parents enabled their child's involvement in the juvenile justice system (including jail) so that the child would receive social service programs and counseling, which were not readily available in their communities.
- Additionally, focus group participants provided valuable feedback on the accuracy and accessibility of the Spanish and Chinese translations. While participants had no problems

with the Spanish translation, the Chinese speakers identified a need for making the Chinese translation more colloquial and contemporary to accommodate the local Chinese-speaking community in New York.

Section III: Overview of Lessons Learned

Our work group's efforts in New York City can serve as a model for other jurisdictions seeking to develop collaborative projects to address DMC among LEP communities. In an effort to assist those efforts, we share the following lessons learned:

- **Start by surveying the field to find what already exists.** Our work group's efforts were enriched by actively surveying the country for existing resources. In addition to ensuring that we did not use scarce work-group resources to duplicate existing materials, the national survey generated models that could serve as templates and models for what should not be replicated.
- **Resources should speak to a need that is clearly identified by the target communities.** Our work group's efforts to develop a multilingual resource for parents were informed by dozens of stakeholders, ranging from justice agencies to individuals who were involved in the juvenile justice system. Because the content of our brochure was collaboratively written and vetted by input from the ultimate consumers of the resource, we are confident that it will be accessible to those who most need it.
- **Multiagency collaborations take time and require continuity.** Working with a work group can take time, but the end result is worth it. Although some work-group meetings had to be rescheduled or even cancelled to accommodate the work-group members' busy schedules and limited time, the resource clearly benefited from the collective input of all work-group members. To address the inevitable occurrences of staff turnover at the partner agencies, a work group should ask departing members to appoint and orient a replacement prior to leaving.
- **Multiagency work groups allow a wide variety of resources to be leveraged.** Work-group members provided participants and locations for focus groups, volunteer interpreters, plain language expertise, and specific knowledge about the criminal and juvenile justice systems in New York City. All of these resources were vital to the creation of the multilingual resource.

- **Developing an accessible resource is more than putting down the information on paper.** Our work group worked to ensure accessibility of our brochure, which required expertise and time to incorporate plain language principles, culturally-appropriate graphics, and accurate translations.

Next Steps/Recommendations

In New York City, the Vera Institute helped lead the efforts of a multiagency collaboration that sought to minimize the impact of language barriers on DMC by developing an informational multilingual brochure for LEP parents of court-involved youth. To expand the reach of the New York City initiative, it is recommended that the resource be translated into additional languages that are highly prevalent in New York City's justice-involved population. Translating the resource into French, Russian, Korean, Haitian Creole, Arabic, and Bengali will ensure that the majority of LEP parents who need this resource will be able to access it. To expand the reach of this initiative to a national scale, a training curriculum could be developed to guide justice practitioners on how to ensure that parent resources are both culturally and linguistically accessible. Included in the curriculum could include templates and tips for coordinating a multiagency work group, engaging community members in developing the content through focus groups, ensuring effective translations, and other key aspects of this initiative.

¹ Federal attention to DMC began in 1988, when Congress amended the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 to require states to address what was then defined as disproportionate minority *confinement* of juveniles. In 2002, Congress extended the mandate to a more expansive focus on disproportionate minority *contact*.

² D. Huizinga, T. Thornberry, K. Knight, & P. Lovegrove, *Disproportionate Minority Contact in the Juvenile Justice System: A Study of Differential Minority Arrest/Referral to Court in Three Cities* (Washington, DC: Office of Juvenile Justice Delinquency Prevention, 2007; prepared under grant number 2005-JK-FX-0001), 3.

³ J.A. Cox & J. Bell, "Addressing Disproportionate Representation of Youth of Color in the Juvenile Justice System," *Journal of the Center for Families, Children, and the Courts* 3 (2001): 32.

⁴ Susan Shah, *If Parents Don't Speak English Well, Will Their Kids Get Locked Up? Language Barriers and Disproportionate Minority Contact in the Juvenile Justice System* (New York City, Vera Institute of Justice, 2007).

⁵ *Ibid.*

⁶ *Ibid.*

⁷ D.M. Bishop & C.E. Frazier, "Race Effects in Juvenile Justice Decision-Making: Findings of a Statewide Analysis," *Journal of Criminal Law and Criminology* 86 (1996): 409.

⁸ Vera Institute of Justice, *supra* note iv.

⁹ *Ibid.*

¹⁰ Available at: www.vera.org/content/translating-justice-spanish-glossary-new-york-city and www.vera.org/content/translating-justice-traditional-chinese-glossary-new-york-city.