

LATINOS



HON. ROGELIO R. FLORES
,SANTA BARBARA COUNTY SUPERIOR COURT (RETIRED)



COURSE GOALS

COURSE PARTICIPANTS WILL LEARN SPECIFIC TOOLS NECESSARY TO IMPROVE OUTCOMES WHEN WORKING WITH LATINO PROGRAM PARTICIPANTS.

- These tools are organized into several specific areas called Practice Suggestions (PS).
- There has been time set aside for questions. Please remember to write down your question during the presentation.

WHY THIS IMPORTANT TO ME

I AM NOT A CULTURAL ANTHROPOLOGIST.
NOT A SOCIAL SCIENTIST.

HOWEVER I AM LATINO, AND AS A RECENTLY-
RETIRED JUDICIAL OFFICER WHO SERVED FOR
31 YEARS, I WITNESSED HOW SHIFTING
CULTURAL DEMOGRAPHICS IMPACTED OUR
COURTS AND AFFECTED LITIGANTS.





In 2008, Latino males accounted for 39% of all drug offense arrests. In 2017, that figure increased to 43%.



Latinas
experienced a 5 point
increase in the
total number of
felony arrests
post-Proposition 47 (2014-2017).



Latinas experienced a substantial **11% increase** in the number of **misdemeanor arrests** between 2008 and 2017.



Latino males



experienced the largest increase (9%) in misdemeanor arrests after the implementation of Proposition 47 in 2014.



31%

2014

Latinas

experienced a 5 point
increase in the
total number of
felony arrests

post-Proposition 47 (2014-2017).



36%

2017

**Fig. 3 California Adult Male
Felony Offenses by Race (2008-2017)**

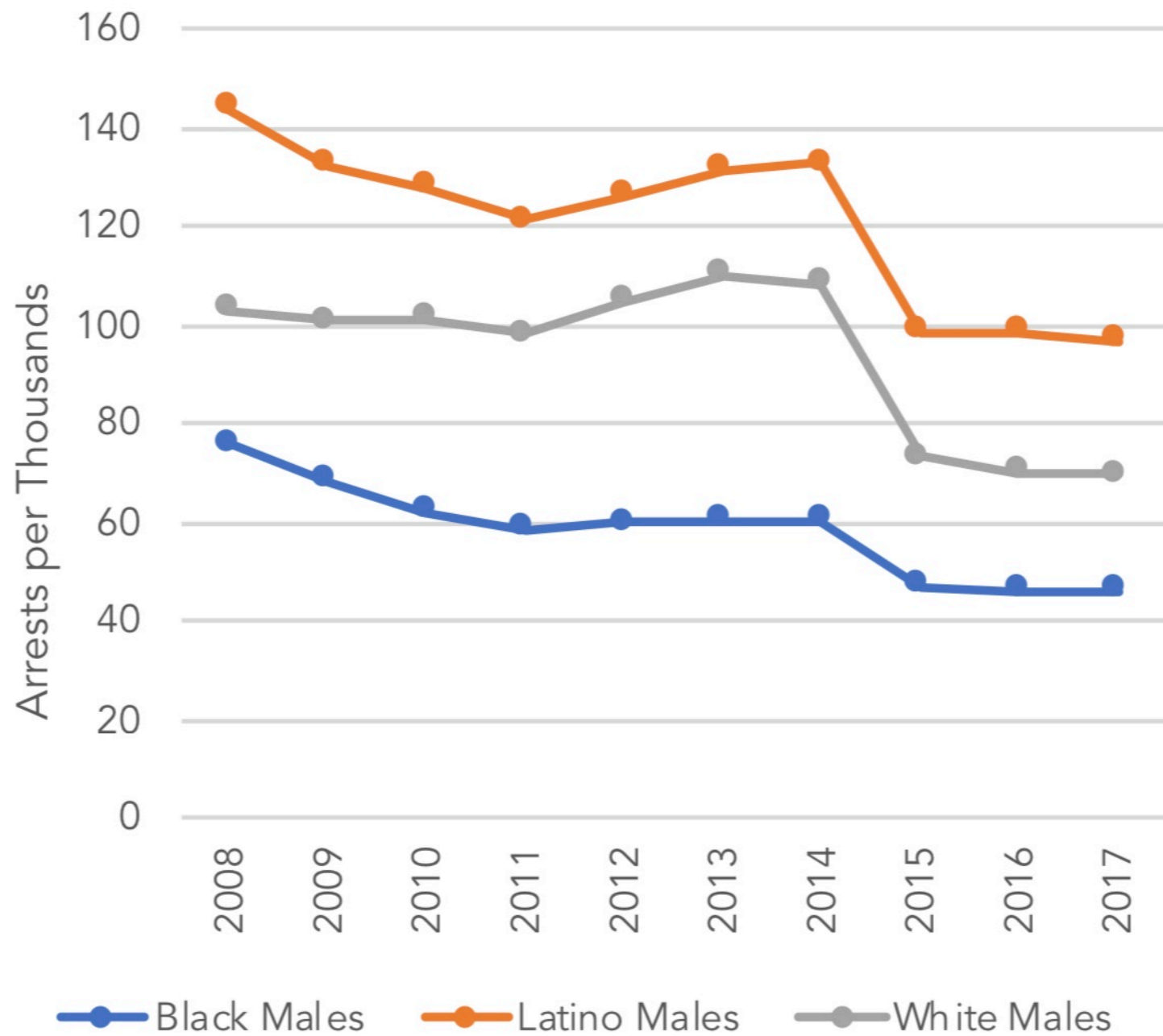
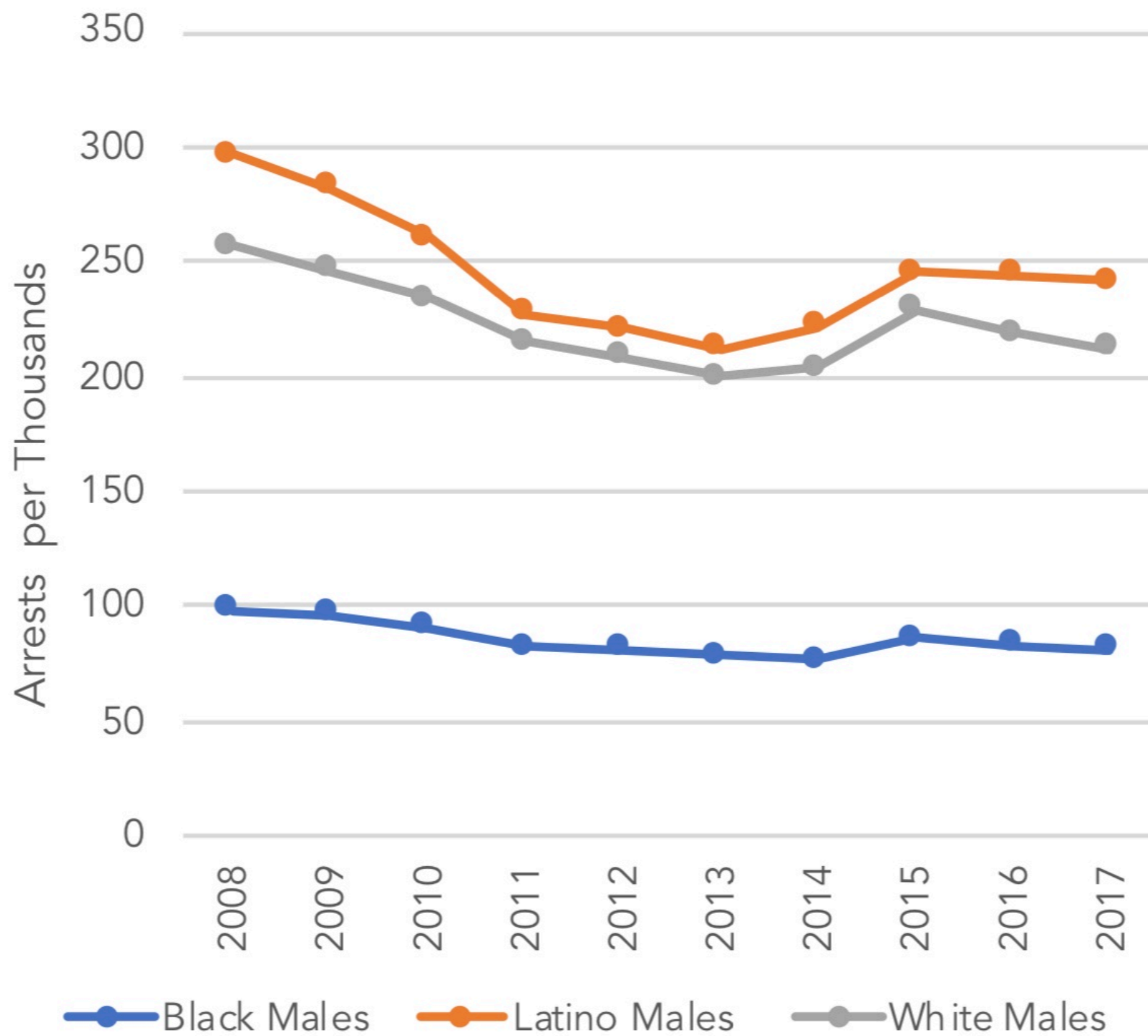
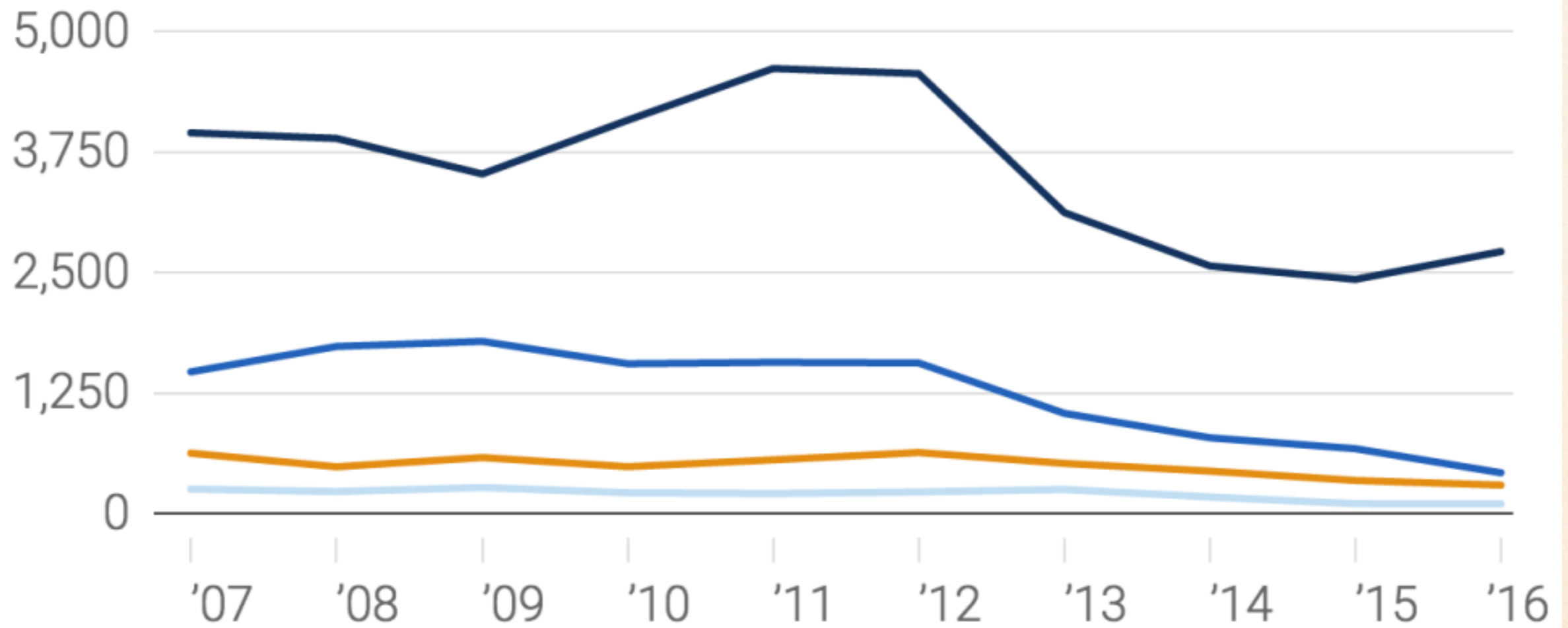


Fig. 4 California Adult Male Misdemeanor Offenses by Race (2008-2017)



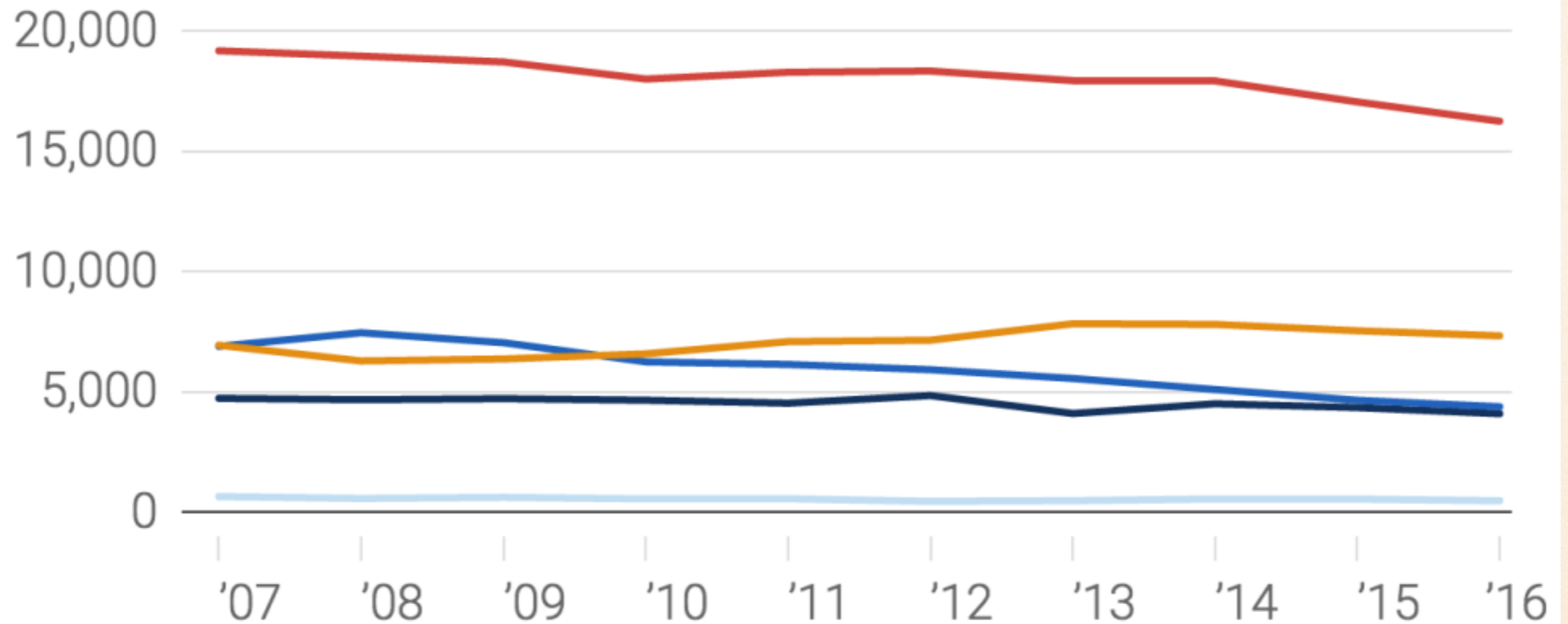
Number of Federal Marijuana Sentences

■ Whites ■ Blacks ■ Hispanics ■ Others



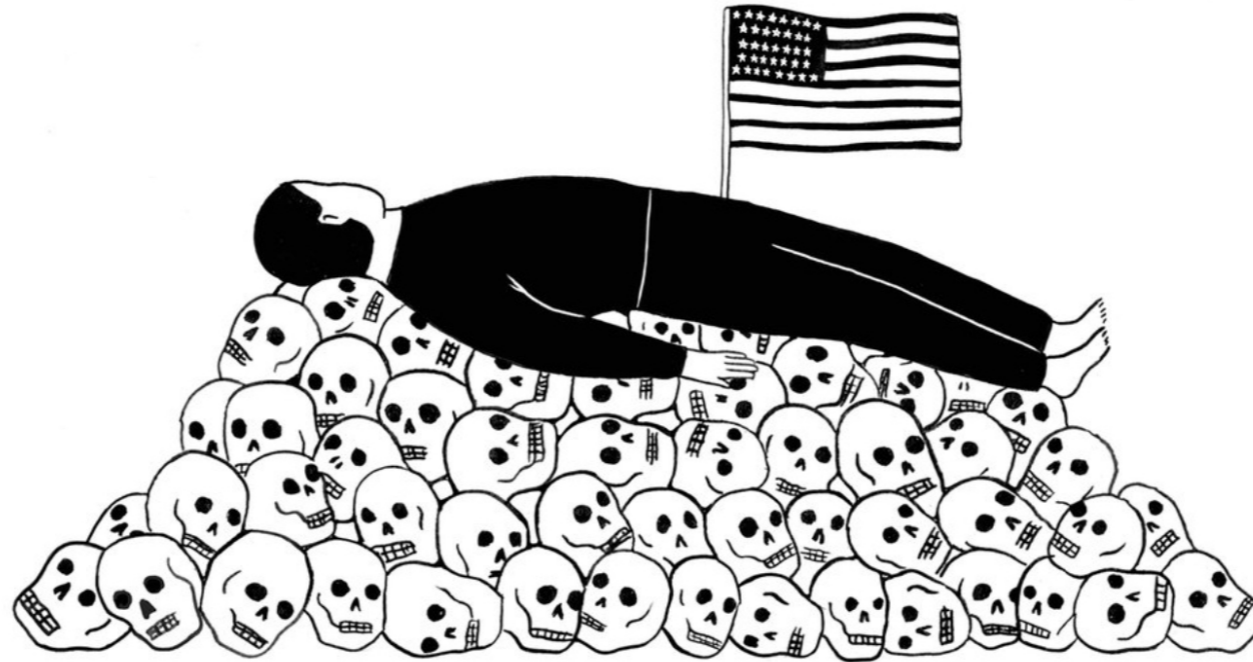
New Non-Marijuana Federal Drug Sentences

■ Total ■ Whites ■ Blacks ■ Hispanics ■ Others



When Americans Lynched Mexicans

By WILLIAM D. CARRIGAN and CLIVE WEBB FEB. 20, 2015



Rachel Levit

From 1848 to 1928, mobs murdered thousands of Mexicans, though surviving records allowed us to clearly document only about 547 cases. These lynchings occurred not only in the southwestern states of Arizona, California, New Mexico and Texas, but also in states far from the border, like Nebraska and Wyoming.

MENDEZ V. WESTMINSTER

Los Angeles Times

February 19, 1946

RULING GIVES MEXICAN CHILDREN EQUAL RIGHTS

Segregation of Mexican school-children from others in four Santa Ana school districts yesterday was held by U.S. Judge Paul J. McCormick to be a violation of their guarantees of equal rights under the 14th Amendment of the Constitution.

The opinion was written in connection with a suit filed by five parents of Mexican children asking for relief and an injunction forbidding the school district trustees from placing the Mexican children in separate schools.

The school districts involved were Westminster, Orange Grove, Santa Ana City Schools and El Modeno. The suit also named the superintendents and trustees of the districts.

Judge McCormick overruled a defense contention that segregation being an educational matter, it fell under the jurisdic-

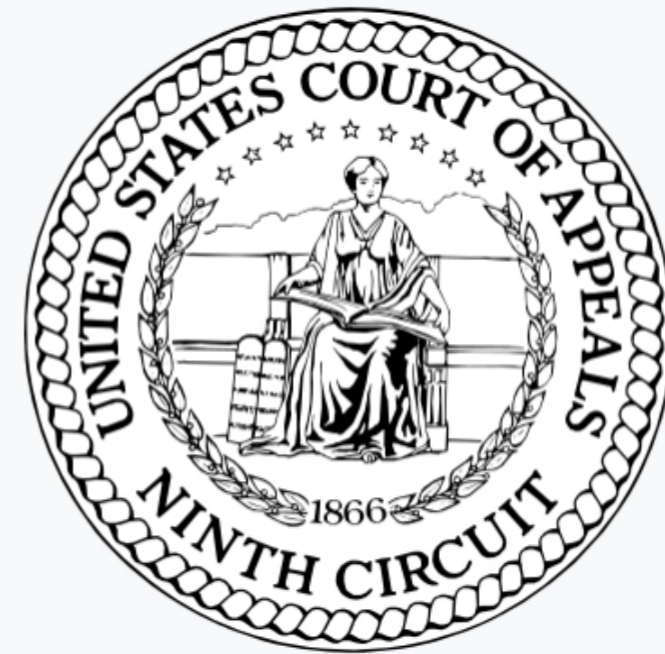
tion of the State. He held that inasmuch as violations of the 14th Amendment were indicated, the Federal court had a right to intervene.

"The evidence clearly shows," the opinion states, "that Spanish-speaking children are retarded in learning English by lack of exposure to its use because of segregation"

"It is also established by the record that the methods of segregation prevalent in the defendant school districts foster antagonisms in the children and suggest inferiority among them where none exists."

Judge McCormick at the same time ordered Attorney David C. Marcus, who represented the parents in the action, to file a petition for an injunction against the defendants within 10 days, indicating that the restraining order would be approved upon the findings of his opinion.

Mendez v. Westminster




Court [United States Court of Appeals for the Ninth Circuit](#)

Decided April 14, 1947

Citation(s) [161 F.2d 774](#) (9th Cir. 1947)

Nativist expressions are particularly visible when delivered by public figures. Most notorious among the public denunciations of immigrants in Santa Maria were statements made in 1990 by its **mayor** at the time, **George Hobbs**. A leader with a reputation for being brash and outspoken, **Hobbs** pointed to Mexican immigrants as the source of what he perceived to be a growing blight on the city. Speaking to a local civic organization, he proclaimed,

At this time in Santa Maria, we have a Mexican problem. We have a difficulty with scads of illegal aliens that have come across the border, and they've made our neighborhoods look not like Santa Maria neighborhoods. In certain streets people (are) gathered around drinking beer, smoking cigarettes. It's a formidable experience for a lot of the older people who have been here for a long time. . . . That's not speaking, of course, of our Santa Maria Mexicans that have been here forever. Those people came here with the idea of becoming Americans. (Sparks 1990)



GEORGE S. HOBBS
CIVIC CENTER



I'm sure, Officer. The one with the birthday hat...That's definitely him.



**The Hispanic population
in the United States
increased by more than 50
percent since 1990.**

1 out of every 6 Americans has Mexican origins



57 Million
Hispanics



63%
Mexican origin

Source: United States Census 2010 - 2017

HISPANIC? LATINO?

Latino
includes
Brazil, but
does not
include
Spain.

Argentina
Bolivia • Brazil
Chile • Colombia
Costa Rica • Cuba
Dominican Republic
Ecuador • El Salvador
French Guinea •
Guadeloupe • Guatemala
Haiti • Honduras
Martinique • Mexico
Nicaragua • Panama
Paraguay • Peru
Puerto Rico
Saint Barthélemy
Saint Martin
Uruguay
Venezuela

Hispanic
includes
Spain, but
does not
include
Brazil.



SO HERE WE GO. LET'S START WITH THIS...

LATINO

is a term that is telling you about
GEOGRAPHY.

HISPANIC

is a term that is telling you about
LANGUAGE.

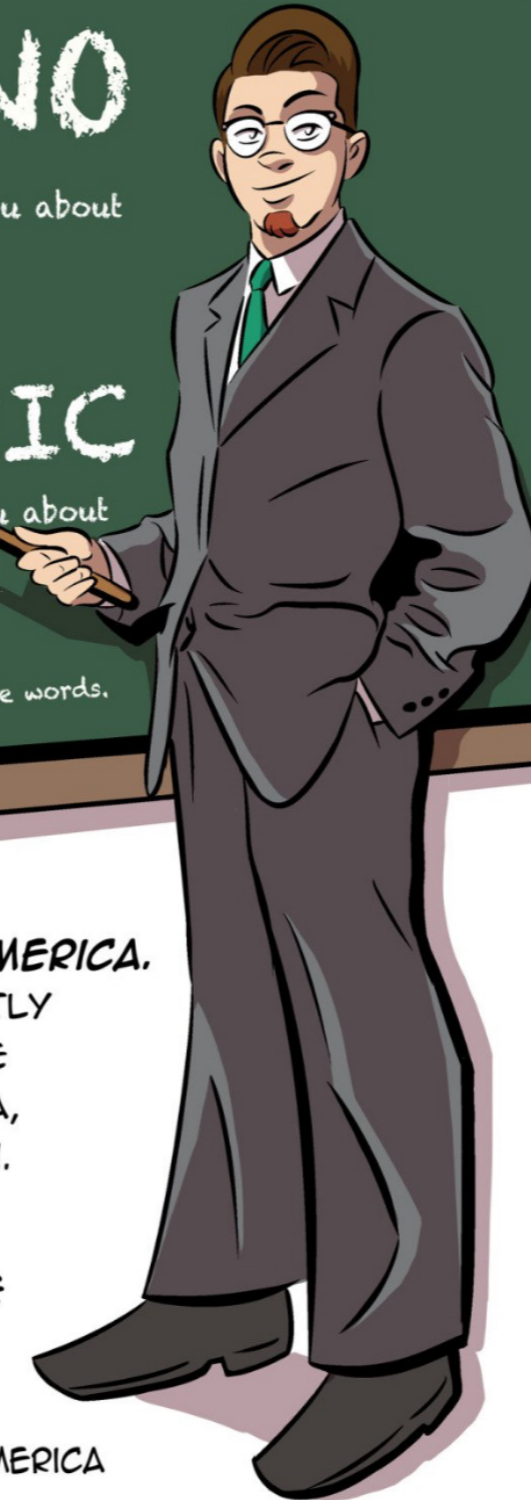
It's easy to remember if you dissect the words.

LATINO MEANS: FROM LATIN AMERICA.

LATIN AMERICA REFERS MOSTLY
TO EVERYTHING BELOW THE
UNITED STATES OF AMERICA,
INCLUDING THE CARIBBEAN.

**HISPANIC MEANS:
FROM A COUNTRY WHOSE
PRIMARY LANGUAGE IS
SPANISH.**

BUT NOT EVERY COUNTRY IN LATIN AMERICA
SPEAKS SPANISH PRIMARILY.



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- These tools are organized into several specific areas called Practice Suggestions (PS).
- There has been time set aside for questions. Please remember to write down your question during the presentation.
- Some Practice Suggestions are directed to providers, some to court professionals.

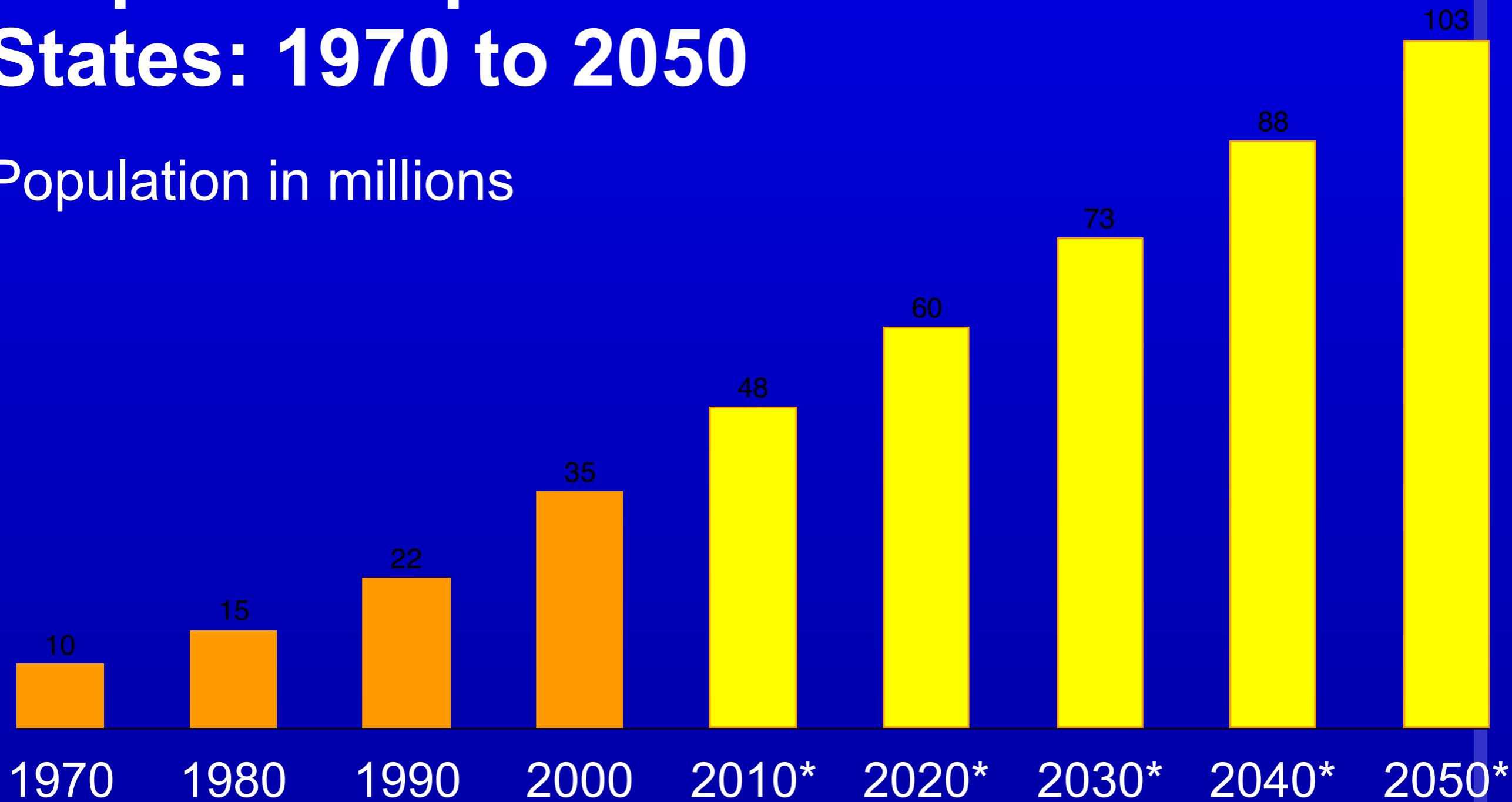
WHY THIS PRESENTATION COULD BE IMPORTANT TO YOUR AGENCY

- Latinos are now the largest minority population in the United States.
- Many areas in the country have seen a substantial increase in the percentage of Latinos in their communities.

Hispanic

Hispanic Population in the United States: 1970 to 2050

Population in millions



Census

Projections

*Projected Population as of July 1, 2010

U.S. CENSUS BUREAU

Top Five States by Hispanic Growth Rate: 2000 to 2006

(For states with 100,000 or more Hispanics in 2006)

Rank	State	Growth Rate (percent)
1	Arkansas	60.9
2	Georgia	59.4
3	South Carolina	57.4
4	Tennessee	55.5
5	North Carolina	54.9

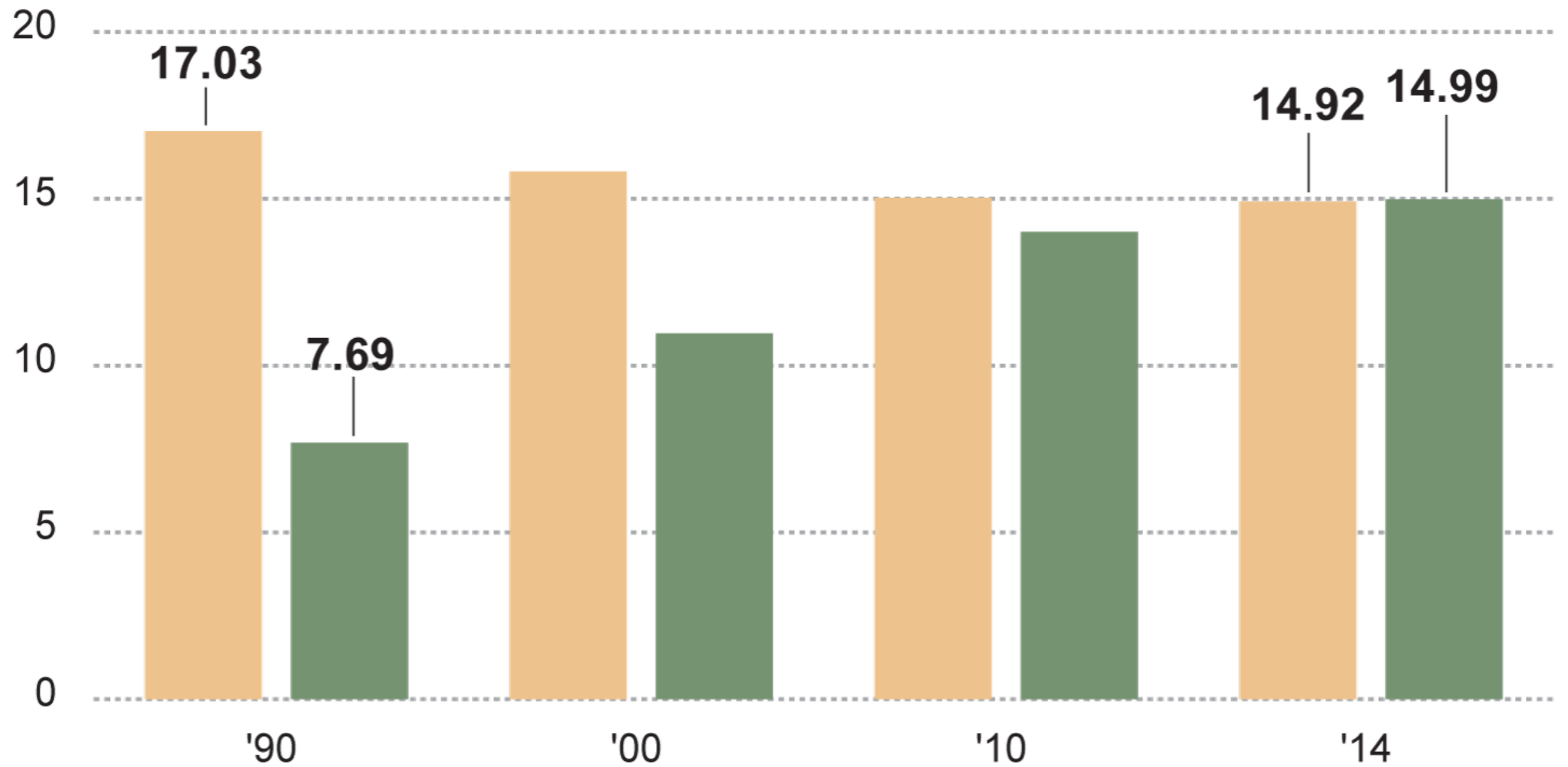
LATINO POPULATION TRENDS IN CALIFORNIA

Race and Hispanic Origin	
<i>i</i> White alone, percent, July 1, 2016, (V2016) (a)	72.7%
<i>i</i> Black or African American alone, percent, July 1, 2016, (V2016) (a)	6.5%
<i>i</i> American Indian and Alaska Native alone, percent, July 1, 2016, (V2016) (a)	1.7%
<i>i</i> Asian alone, percent, July 1, 2016, (V2016) (a)	14.8%
<i>i</i> Native Hawaiian and Other Pacific Islander alone, percent, July 1, 2016, (V2016) (a)	0.5%
<i>i</i> Two or More Races, percent, July 1, 2016, (V2016)	3.8%
<i>i</i> Hispanic or Latino, percent, July 1, 2016, (V2016) (b)	38.9%
<i>i</i> White alone, not Hispanic or Latino, percent, July 1, 2016, (V2016)	37.7%

Population in millions

Non-Latino whites

Total Latinos

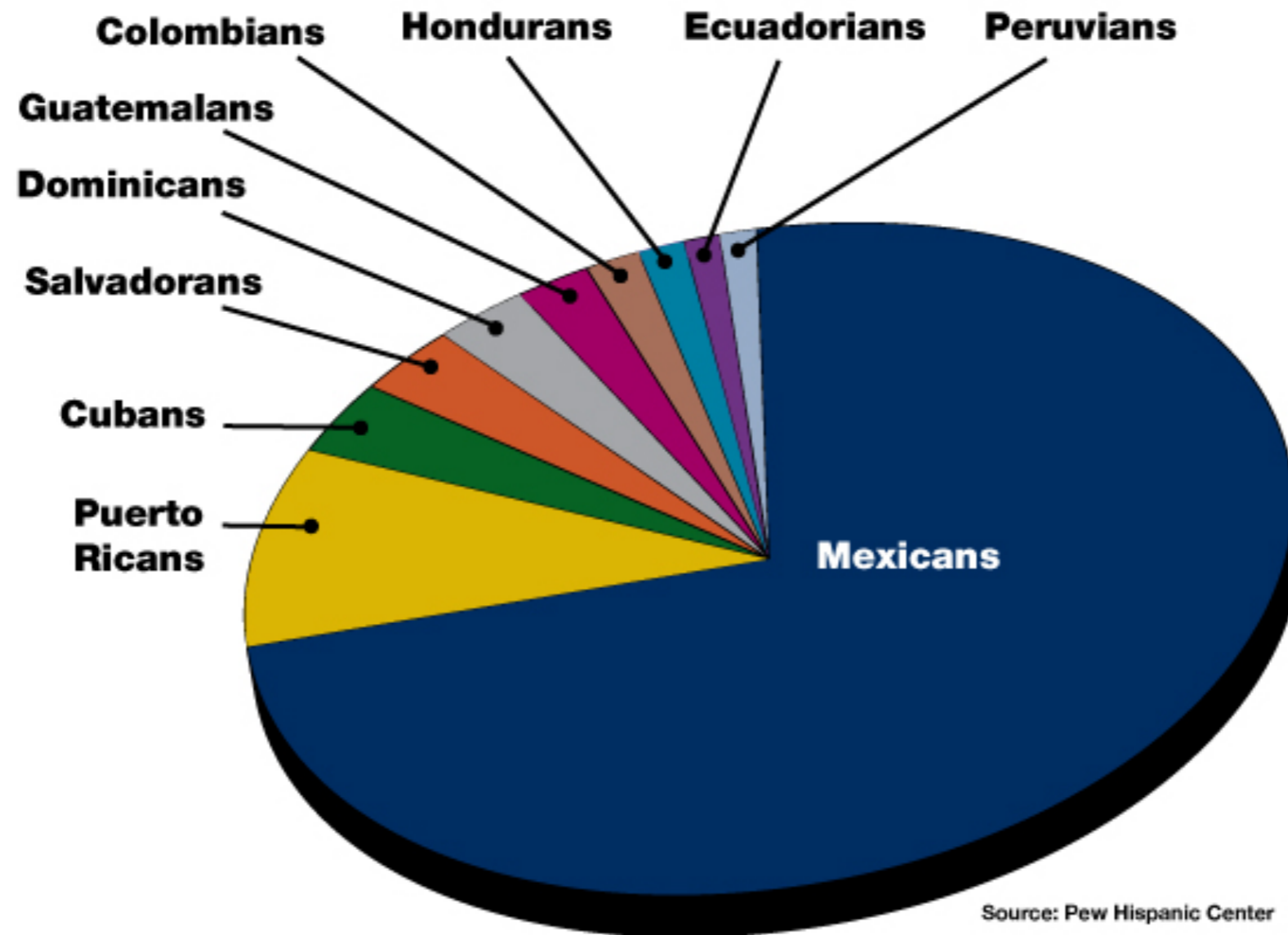












PS # 1.

ALL LATINOS ARE NOT MEXICAN.



The 10 Largest Latino Ethnic Groups in the U.S.



 Mexicans: 31.7 Million • 63.0%	 Guatemalans: 1 Million • 2.1%
 Puerto Ricans: 4.6 Million • 9.2%	 Colombians: 909,000 • 1.8%
 Cubans: 1.7 Million • 3.5%	 Hondurans: 633,000 • 1.3%
 Salvadorans: 1.6 Million • 3.3%	 Ecuadorians: 565,000, • 1.1%
 Dominicans: 1.4 Million • 2.8%	 Peruvians: 531,000 • 1.1%

Numbers and percentages are based on the total U.S. Latino population of 50.5 million

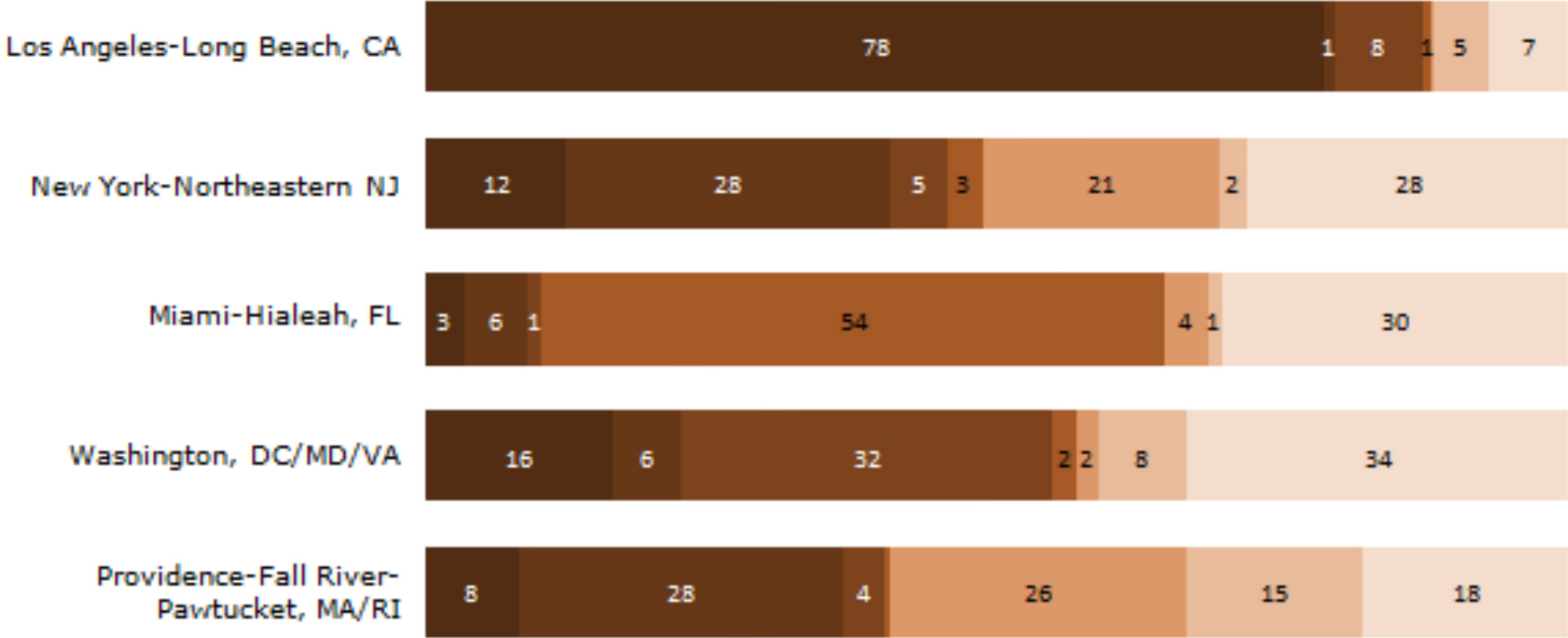
Hispanic Origin by Type: 2006

Type of origin	Number	Percent
Total	44,252,278	100.0
Mexican	28,339,354	64.0
Puerto Rican	3,987,947	9.0
Cuban	1,520,276	3.4
Dominican	1,217,225	2.8
Central American	3,372,090	7.6
South American	2,421,297	5.5
Other Hispanic	3,394,089	7.7

Largest Hispanic Origin Group Shares in Select Metropolitan Areas, 2011

% of the Hispanic population in the metro area that is ...

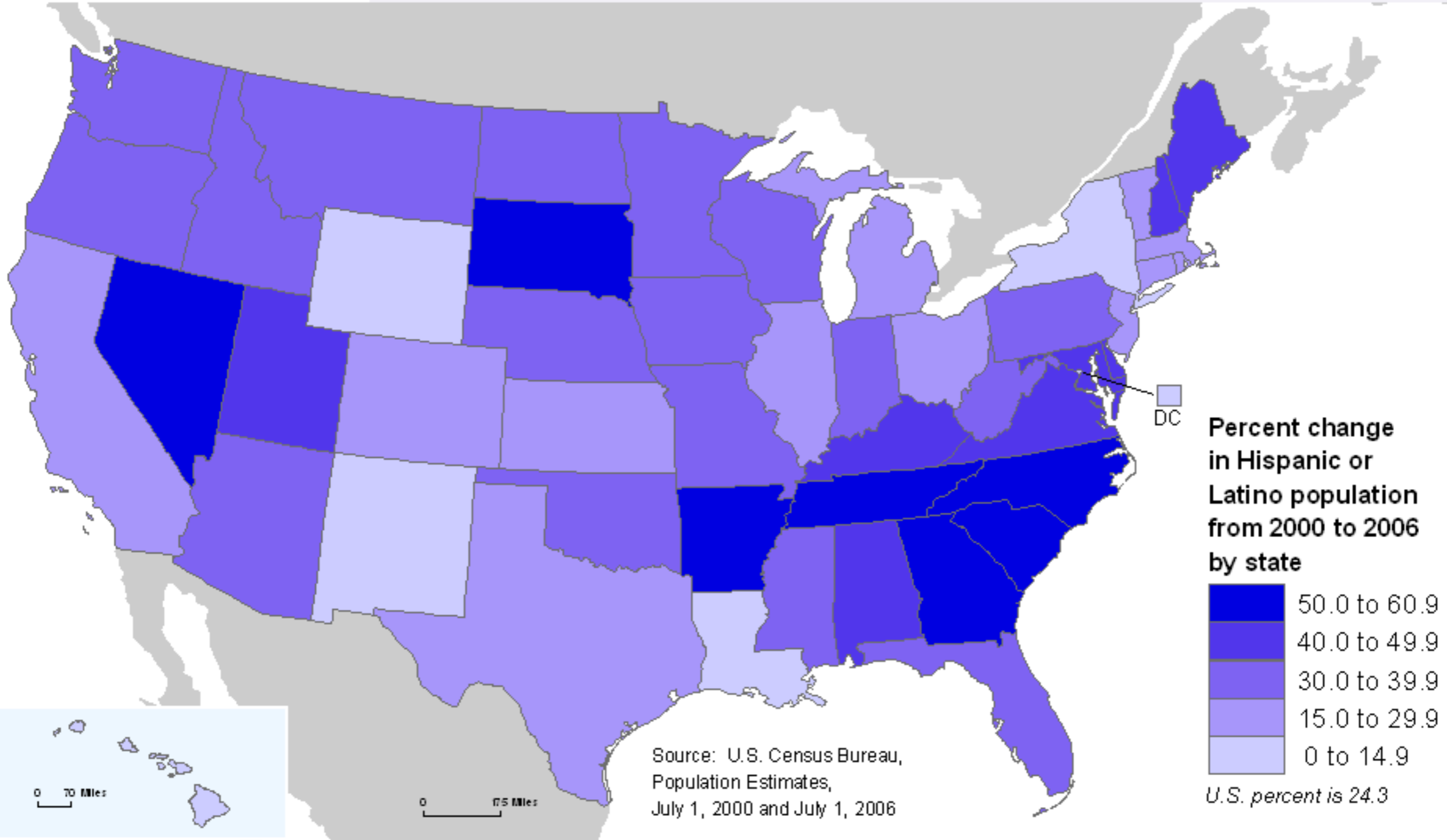
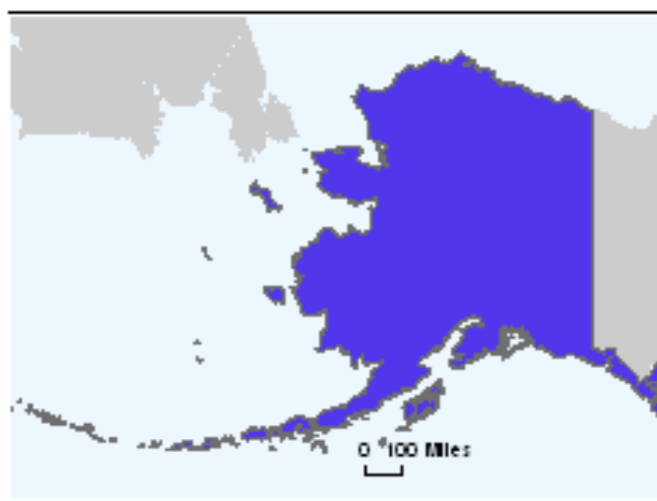
Mexican
 Puerto Rican
 Salvadoran
 Cuban
 Dominican
 Guatemalan
 Other



Notes: In Los Angeles-Long Beach, CA, Dominicans make up less than 0.5% of the area's Hispanic population. In Providence-Fall River-Pawtucket, MA/RI, Cubans make up less than 0.5% of the area's Hispanic population.

Source: Pew Research Center tabulations of the 2011 ACS (1% IPUMS)

Percent Change in Population by State 2000 to 2006 Hispanic or Latino



NOT ALL LATINOS ARE MEXICAN, CONTINUED

- During intake, make sure you ASK your client about his/her country of origin. Failure to do so could result in a difficult situation.



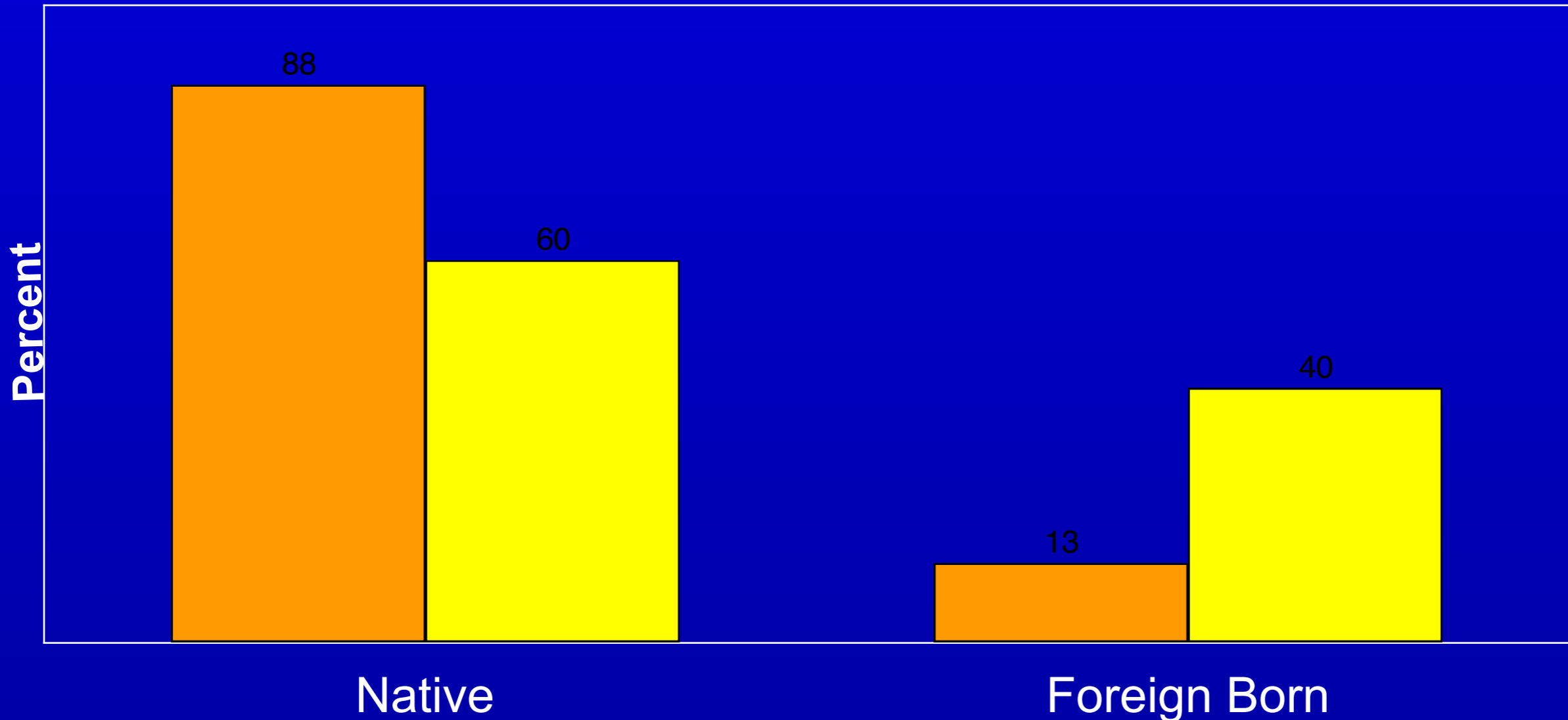
**YOU NEVER GET A SECOND CHANCE
TO MAKE A FIRST IMPRESSION**

PS# 2. NOT ALL LATINOS ARE IMMIGRANTS

- Most Latinos in the United States were born in the USA.



Nativity: 2006



HOWEVER, IMMIGRATION ISSUES MIGHT HAVE
A PROFOUND IMPACT ON THE DEFENDANT





**POLICE
ICE**

DRUG COURTS AND IMMIGRATION

- ❖ IN SANTA MARIA THE SUBSTANCE ABUSE TREATMENT COURT (SATC) IS A PRE-PLEA, PRE CONVICTION DRUG COURT. ALIEN PARTICIPANTS IN THIS PROGRAM GENERALLY DO NOT SUFFER IMMIGRATION CONSEQUENCES.
- ❖ However, aliens in post-conviction, probationary drug court program will face adverse criminal consequences even if successful completion of program results in dismissal of charges.

Assembly Bill No. 208

Approved by Governor October 14, 2017. Filed with Secretary of State October 14, 2017.

This bill would make the deferred entry of judgment program a pretrial diversion program. The bill would make a defendant qualified for the pretrial diversion program if there is no evidence of a contemporaneous violation relating to narcotics or restricted dangerous drugs other than a violation of the offense that qualifies him or her for diversion, the charged offense did not involve violence, there is no evidence within the past 5 years of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program, and the defendant has no prior conviction for a felony within 5 years prior to the alleged commission of the charged offense.

Under the pretrial diversion program created by this bill, a qualifying defendant would enter a plea of not guilty and waive his or her right to a trial by jury, and proceedings would be suspended in order for the defendant to enter a drug treatment program for 12 to 18 months, or longer if requested by the defendant with good cause. The bill would require the court, if the defendant does not perform satisfactorily in the program or is convicted of specified crimes, to terminate the program and reinstate the criminal proceedings. The bill would require the criminal charges to be dismissed if the defendant completes the program.

PADILLA VS. KENTUCKY 130 S. CT 1473 (2010)

- ❖ Sixth Amendment requires defense attorney to properly advise noncitizen defendant of risk of deportation arising from a plea of guilty. Failure may constitute IAC. If risk of deportation is clear COUNSEL MUST ADVISE CLIENT THAT "DEPORTATION IS PRESUMPTIVELY MANDATORY"
- ❖ "constitutionally competent counsel would have advised him that his conviction for drug distribution made him subject to automatic deportation" (emphasis added)

WHERE DO I GO FOR HELP?



GOOGLE: IMMIGRATION CONSEQUENCES OF CRIMINAL CONVICTIONS

- ◆ DHS excellent overview
(92 pages long)

SURVIVING *PADILLA*

A Defender's Guide to
Advising Noncitizens on
the Immigration
Consequences of
Criminal Convictions

Kara Hartzler
Florence Immigrant and
Refugee Rights Project

PS #3. LATINOS DO NOT ALL SPEAK SPANISH. SOME ONLY SPEAK ENGLISH, OTHERS SPEAK NEITHER ENGLISH NOR SPANISH

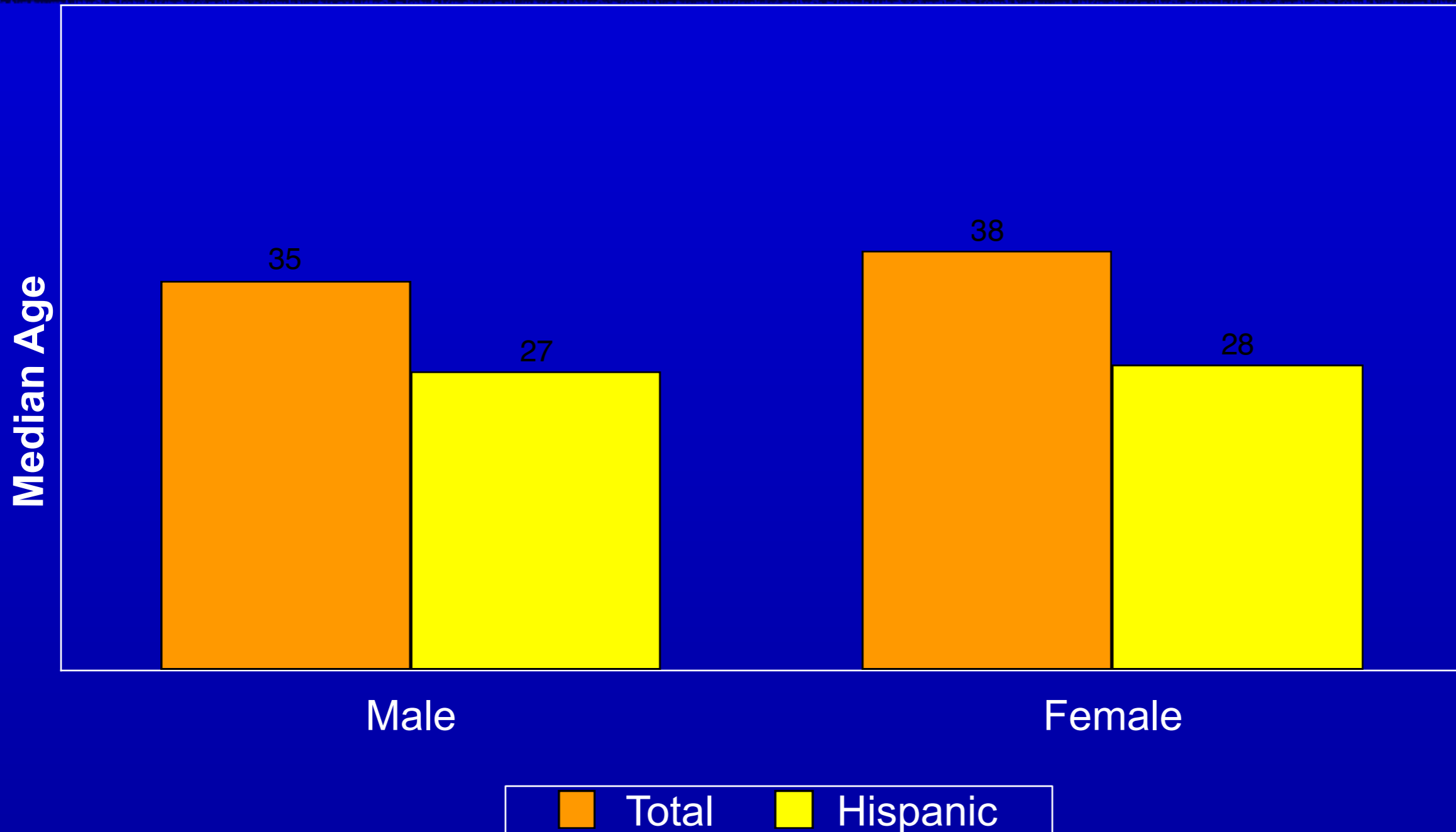
- In the past few years, large numbers of indigenous Latinos have migrated to the US. What is your agency's capacity in assisting a client that only speaks Mixteco, Zapoteco, or another dialect?
- How are you equipped to work with clients who only understand an indigenous language?



PS # 4. AGE FACTORS

- Latino communities tend to be younger in age than the general population. Treatment programs need to be designed to deal with the myriad of issues working with a younger clientele presents.
- For example if you refer a 18 year old to a 12 Step program, will that program welcome young adults?
- What are some of the other issues that working with younger participants present?

Median Age by Sex: 2006





KIDS DATA.ORG

Year(s): [\(edit\)](#) Data Type: [\(edit\)](#) Race/Ethnicity: [\(edit\)](#)
2016 Percent All

California	Percent
African American/Black	5.8%
American Indian/Alaska Native	0.6%
Asian/Asian American	8.9%
Filipino	2.5%
Hispanic/Latino	54.0%
Native Hawaiian/Pacific Islander	0.5%
White	24.1%
Multiracial	3.1%

Santa Barbara County	Percent
African American/Black	1.2%
American Indian/Alaska Native	0.5%
Asian/Asian American	1.9%
Filipino	1.1%
Hispanic/Latino	68.3%
Native Hawaiian/Pacific Islander	0.2%
White	24.6%
Multiracial	2.0%

PS 5. MULTIPLE SURNAMENES

- It is not uncommon for clients to use multiple surnames. How does your program address this?

THE TRAGIC CASE OF JOSE SANCHEZ CONCETA.

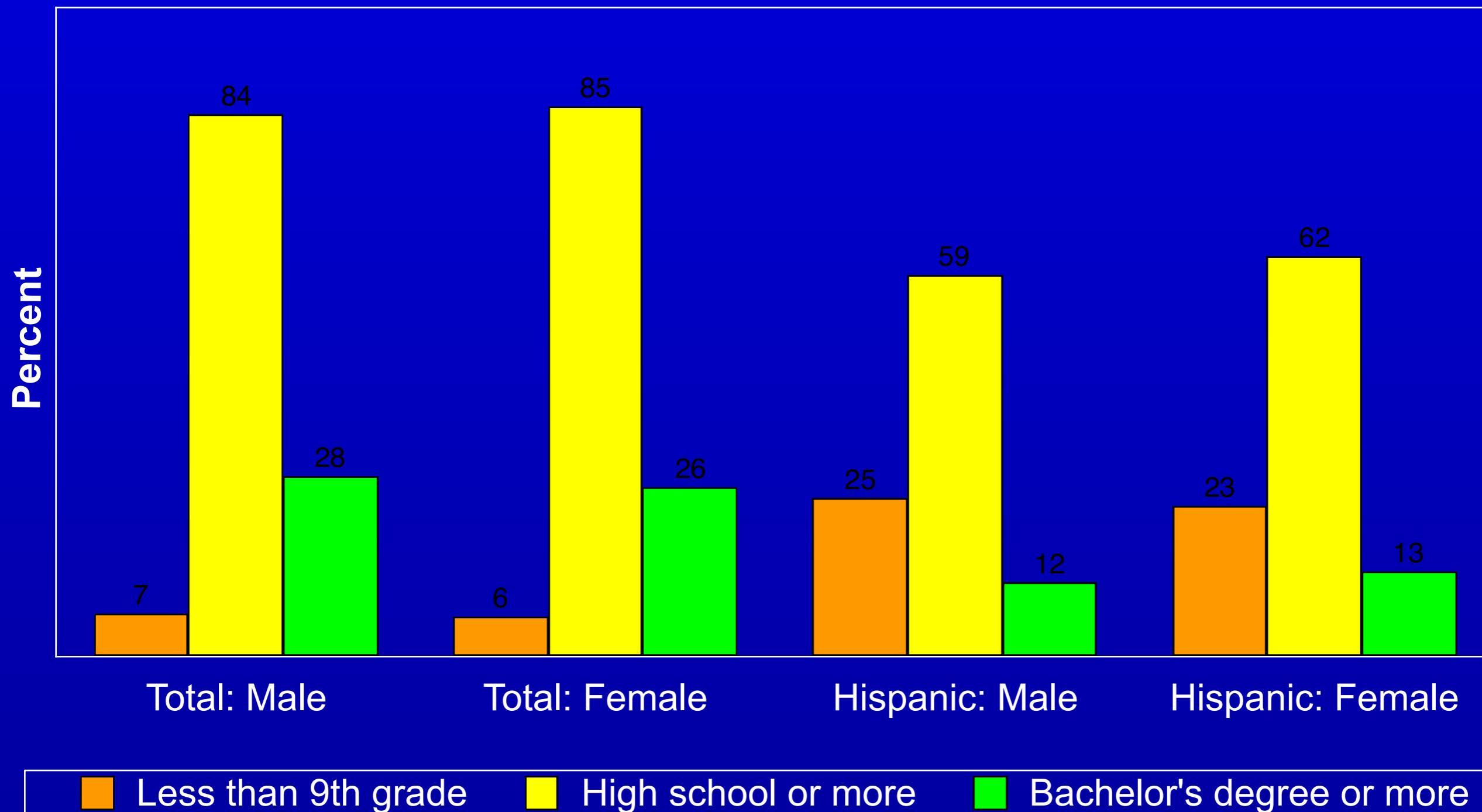


PS 6. EDUCATIONAL ACHIEVEMENT

- Latinos tend to lag behind in educational achievement.
- What steps does your program take to have an impact on this phenomenon? Do you require a GED, high school diploma or other academic goal?

Educational Attainment by Sex: 2006

(Population 25 years and older)



PS 7. POVERTY

- Latinos also fall behind in income.
- In these difficult financial times, how does your program provide services to low income clients?





PPIC

PUBLIC POLICY
INSTITUTE OF CALIFORNIA

Informing and improving public policy through independent, objective, nonpartisan research

▶ **Latinos and less educated Californians have dramatically higher poverty rates.**

Latinos (27.0%) had much higher poverty rates than whites (13.5%) in 2015. The poverty rate among African Americans (17.1%) and Asian Americans (17.0%) fell in between. More education is associated with strikingly lower poverty rates: the rate for adults age 25–64 with a college degree was 8.2%, compared with 35.5% for those without a high school diploma.

▶ **Most poor families in California are working.**

In 2015, 79.4% of poor Californians lived in families with at least one working adult, excluding families made up only of adults age 65 and older. For 55.8% of those in poverty, at least one family member reported working full-time. For another quarter (23.6%), at least one adult was working part-time.











PPIC

**PUBLIC POLICY
INSTITUTE OF CALIFORNIA**

Informing and improving public policy through independent, objective, nonpartisan research

County	Poverty rate (%)	County	Poverty rate (%)	County	Poverty rate (%)
Alameda	17.1	Madera	19.2	San Luis Obispo	19.7
Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, Tuolumne	13.4	Marin	16.3	San Mateo	16.6
Butte	21.6	Merced	20.4	Santa Barbara	24.6
Colusa, Glenn, Tehama, Trinity	16.6	Monterey, San Benito	21.1	Santa Clara	16.2
Contra Costa	15.5	Napa	17.0	Santa Cruz	24.8
Del Norte, Lassen, Modoc, Plumas, Siskiyou	16.8	Nevada, Sierra	18.0	Shasta	17.7
El Dorado	13.2	Orange	21.3	Solano	16.1
Fresno	20.4	Placer	13.1	Sonoma	17.6
Humboldt	20.5	Riverside	19.0	Stanislaus	17.6
Imperial	18.8	Sacramento	17.5	Sutter, Yuba	16.3
Kern	18.9	San Bernardino	18.7	Tulare	22.1
Kings	19.0	San Diego	20.4	Ventura	18.6
Lake, Mendocino	22.7	San Francisco	20.7	Yolo	20.0
Los Angeles	24.9	San Joaquin	17.8		

PS8. ACCULTURATION

- While the previous Practice Suggestions are important, they all point toward one key issue: culture. For example, the age, national origin, income, level of education should all be critical information obtained at intake; however determining your clients' acculturation level is paramount.
- For example, no matter what their age, country of origin, or educational level your drug court client has, if he/she is highly acculturated when they hear the word "football" they see this:



ACCULTURATION

- However, to someone who is highly unacculturated, they hear football and think of:

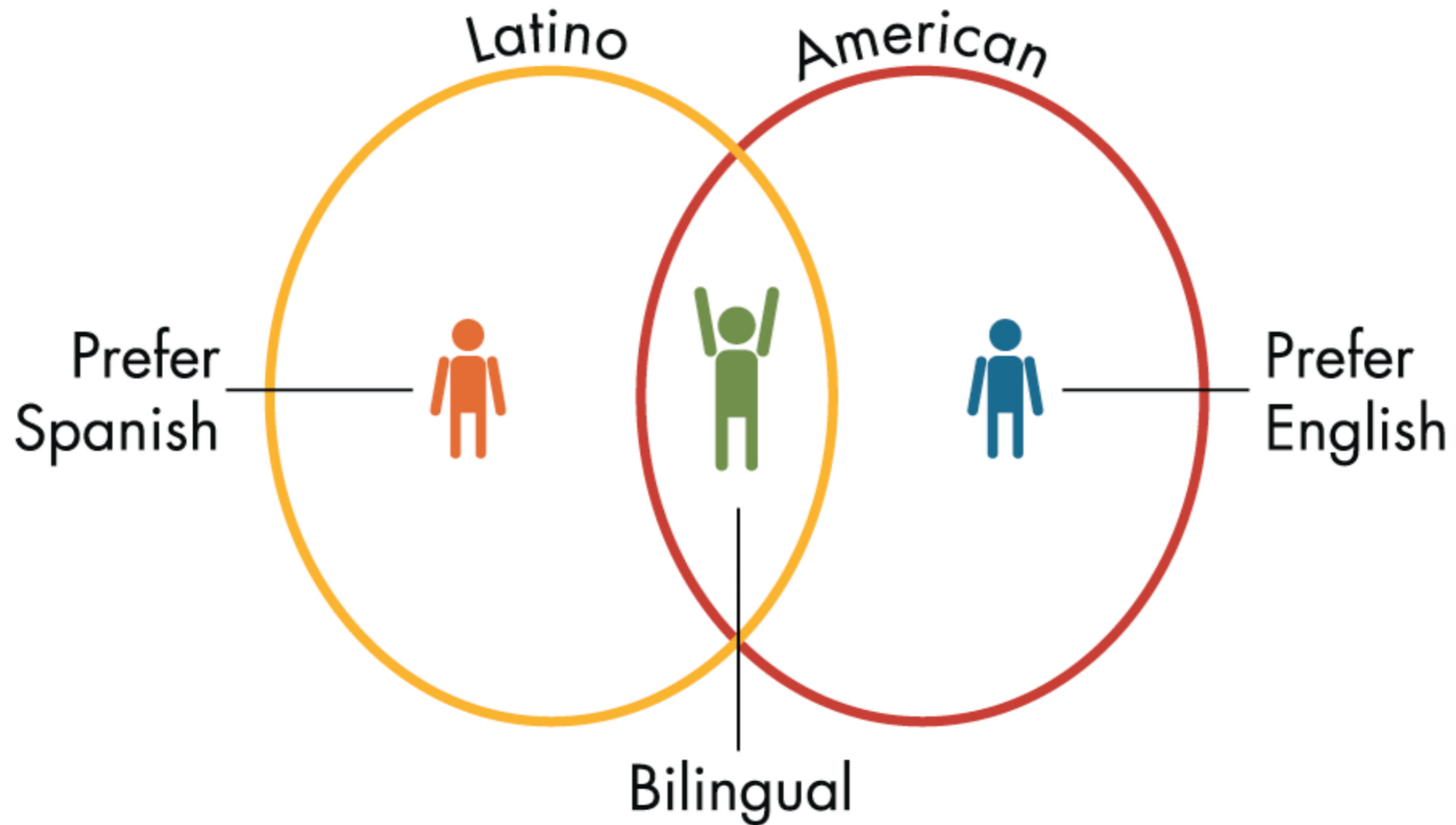


ACCULTURATION

- There are several simple tools to help you determine your clients' level of acculturation.
- Find out as much as possible, at intake. Things like favorite musical group, television shows, and leisure activities will shed light on how to shape the treatment plan for this individual.

-

Non Acculturated | **Semi** Acculturated | **Fully** Acculturated



- Time
- Education
- Socio-Economic Status—Home Country

Agents of Change





¿Preguntas
o Comentarios?



MIL GRACIAS!



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