

2014

# The Forgotten Members of Our Society: Latinos in the criminal justice system

Jereny Mendoza  
*Eastern Washington University*

Follow this and additional works at: [http://dc.ewu.edu/srcw\\_2014](http://dc.ewu.edu/srcw_2014)



Part of the [Chicana/o Studies Commons](#)

---

## Recommended Citation

Mendoza, Jereny, "The Forgotten Members of Our Society: Latinos in the criminal justice system" (2014). *2014 Symposium*. Paper 34. [http://dc.ewu.edu/srcw\\_2014/34](http://dc.ewu.edu/srcw_2014/34)

This Article is brought to you for free and open access by the EWU Student Research and Creative Works Symposium at EWU Digital Commons. It has been accepted for inclusion in 2014 Symposium by an authorized administrator of EWU Digital Commons. For more information, please contact [jotto@ewu.edu](mailto:jotto@ewu.edu).

“The Forgotten Members of Our Society: Latinos in the Criminal Justice System”

Abstract

According to the U.S. Bureau Justice Statistics, at yearend of 2012, the total population of jail inmates was 1,598,783. Since jail inmates have been reported to have lower levels of education than the general population, it raises a high concern for their re-establishment in our society once they are released. While there has been an attempt to provide educational services such as the attainment of GED's to prisoners of the adult correctional population, the services naturally discontinue once the prisoners have served their time in prison.

This study examines the opportunities and obstacles that are presented to prisoners who seek education while they are in prison and after their release from prison. The study also reviews the policies in place which hinder the re-establishment of ex-inmates in our society and closely examines the racial groups who are most affected by these restrictions. Specifically, this study will examine the Hispanic population in more depth as it has been recognized by the U.S. Census to be one of the nation's fastest-growing ethnic groups.

Introduction

According to U.S. Bureau of Justice Statistics, approximately 6, 937,600 offenders were processed and went under the supervision of adult correctional systems at year end of 2012. In comparison to other countries, “the U.S. has the highest prison

population rate in the world, some 716 per 100,000 of the national population.”

(Walmsley 2012) It is estimated that nearly 1 in 100 adults in the U.S. is in or have been in prison or jail and that rate is five to 10 times higher than in Western Europe and the world's other democracies. (The Washington Post 2014) The U.S. has experienced a steady growth over the course of the years in federal and state prison populations since 1972.

This steady growth could be linked to the war on drugs which began in the 1970's by President Richard Nixon. This war on drugs began due to the deep concern in the use of the drugs and the use of needles which could transmit the HIV/AIDS which became an epidemic in the U.S. However, as the development of technology and medical breakthroughs, the war on drugs continued.

Politicians claimed that the war on drugs was essentially directed to reduce and ultimately stop the distribution and consumption of drugs to 'clean the streets' of the U.S. This societal war included the implementation of policies incriminating those who were caught in possession of narcotics. Therefore, scholars have considered that the possibility that there is a linkage between the increase of prison population with the U.S. war on drugs.

### Methodology

To gather the most accurate data possible regarding prison, prison education and prison population, federal websites were used during the research. The federal websites that contributed to this research were: The U.S. Census Bureau, U.S. Department of Education, U.S. Bureau of Justice Statistics, U.S. Department of Justice-

Office of Justice Programs and Federal Bureau of Prisons. The other portion of the data was gathered through various scholarly articles as well as major newscast organizations who reported on prison, prison population, prison inmates, education in prison, and recidivism.

## Research

For the purpose of this research I would first like to breakdown the prison population by gender and then by ethnicity. The purpose in doing this is to be able to analyze the prison population to see if there are any visible trends prior to the in depth analysis that will take place after addressing the main issue and purpose of this study.

According to the U.S. Bureau Justice Statistics, at yearend of 2012, the total population of jail inmates was 1,598,783 (Federal Prison: 216,362 & State Prison: 1,382,421.) The gender composition of the federal prison population consists of 202,462 males and 13,900 females. In terms of gender composition, males represent the majority as they represent 93% and females only 7%. The gender composition of the state prison population consists of 1,284,935 males and 97,486 females. In terms of gender composition, males represent the majority as they represent 92% and females only 8%. As expected, males represent the majority of population in both state and federal prisons.

Now in terms of race, the Federal Bureau of Prisons estimated 2014 that Blacks represented 37.1%, Hispanics- 34.9 % of inmates, Whites- 24.6 %, Native American- 1.9%, Asians- 1.5%. Prima facie, these numbers are alarming because they depict that major minority groups of Blacks and Latinos represent a higher percentage than the

dominant White group. This of course also shows the formation of lower social classes within minority groups. Aside from looking at the problem of a high prison population in terms of race/ethnicity, what is being done to reduce the likelihood that ex-inmates return to prison once they are released?

A longitudinal study determined that, within 3 years: 68% of prisoners released in 1994 were arrested for a new offense. Of this percentage, 47% were re-convicted and 52% returned to prison, either for a new sentence or for a parole violation (Langan & Levin 2002). Through this study, we can clearly see that the behaviors which led to the incarceration of an inmate are not being dealt with in a manner that decrease the behavior.

Therefore, the behaviors continue and they do not only affect the ex-inmate but the community he lives in as well. Thus, criminal behaviors spread through the community and especially the highly impressionable youth which learn to follow in their footsteps. Leading to a vicious cycle. And if the major racial/ethnic composition of prison inmates consists of two major minority groups (Blacks and Hispanics), we can foresee that their communities will suffer greatly. Their local communities and people will suffer the acts of violence, gang activity, drug usage and not to mention the psychological effect placed on individuals by the stereotypes they reaffirm with their behavior.

Which is why there is such a concern in helping inmates modify their behavior while they are incarcerated, so that when they are released they themselves are much better off. If they are better off then they are less likely to participate in behaviors or activities which would result in their imprisonment. This of course is the application of creating cost opportunity in the mindset of inmates. If they entered prison with no real

value to society, and leave with skills useful for society, possibly then can we help them acknowledge their value and in turn reduce recidivism. But what can prisons provide prison inmates to help create this value?

A report released in 2012 by the Pew Research Social & Demographic Trends, indicated that in terms of ethnic groups Hispanics reported to be in the lower economic class. In comparison to other race/ethnic groups, 40% of Hispanics identified themselves as lower class, Blacks- 33%, and White-31%. This of course is once again alarming because it is evident that due to the lack of resources that minority groups have accessible to them leads to a poor education.

In relation to a poor education leads to an increase in criminal behavior due to various factors such as lack of fear of consequences, respect towards authority figures, ambition, etc. It is why most prison inmates have a background high school drop-outs or of receiving lower levels of education. The Bureau of Justice Statistics released a report on Education and Correctional Populations in 2003, which indicated that indeed a high rate of prison inmates had low levels education. The report stated that 68% of inmates did not receive a high school diploma. Thus, we can conclude that low levels of education is most certainly related to the prison population.

Scholars as well have recognized the value of implementing education in the prison and environment and suggest that prisons should include "Adult Basic Education, GED, high school diploma, and career technical education programs for those with low or rudimentary English and math skills and no job skills." ( Meraz-Garcia 110) Since the acknowledgement of this relationship between education level and prison inmates, state and federal prisons have opted their facilities to provide educational programs to the

prison inmates. According to the Institute for Higher Education, their research shows that indeed corrections officials are looking for innovative ways to support post-secondary programs in their prison systems.

According to the Federal Bureau of Prisons, all institutions offer literacy classes, English as a Second Language, parenting classes, wellness education, library services, and instruction in leisure-time activities. For inmates who are seeking to obtain their GED, they are obligated to participate in the literacy program for a minimum of 240 hours or until they have completed the coursework to obtain a GED.

Federal prisons also provide vocational and occupational training programs which are based on the needs of the inmates, general labor market conditions, and institution labor force needs. To increase their preparedness in seeking a job once they are released, the inmates receive on the job training through the institution by job assignments and/or working in Federal Prison Industries. The Bureau also assists in providing post-secondary education (vocational and occupational.) However, the inmates are responsible for funding their education.

Skeptics of finding education as a useful tool to reduce recidivism believe that it does not work. They believe that programs like these will not only be a waste of time but a waste of money. However, the state of Texas would oppose to this argument because in 2004, the state spent \$2.4 billion on corrections, averaging \$14,300 per prisoner. (Texas Dept. of Criminal Justice 2004) The state's post-secondary correctional education program, however, costs only \$3.7 million, a tiny fraction of the overall corrections budget, at a cost of just over \$382 per prisoner (Windham School District

2004). Therefore, there are benefits to programs like these not only fiscal benefits but also reducing recidivism.

To refute the argument that these programs are just a waste of time, a study funded by the U.S. Department of Justice released data from thousands of in-prison programs nationwide found that the inmates who participated in educational or vocational training were 43% less likely to return to prison once released. This is possibly due to the value of education that society highly praises and once ex-inmates possess it, it makes them less likely to engage in the activities which once led to their imprisonment. If they are given a new opportunity, more often than not they will take it.

But how effective are these programs in assisting ex-inmates get a job, one might ask. Well according to a study conducted by RAND Safety and Justice Program, the job outlook for ex-inmates is quite hopeful. Those who participated in vocational training were 28% more likely to be employed after their release from prison than those who did not receive such training. This of course supports the idea that education is most certainly effective in reducing recidivism

However, there appear to be some triggers such as the likelihood that education will be not valuable enough for a job or if they are denied access to higher education. I mention this because if inmates leave prison with the idea that they can change their life around but they are denied constantly, it will tear down the self-image and self-worth they have created along the process of attaining their education. Therefore, if value is not recognized by society then their self-image might collapse and they will regress to their old behavior. Essentially, the danger lies in creating the illusion of the improvement they have made and then denying them the access to better themselves even more.



In terms of higher education, those who seek it and apply for admission often run into several obstacles. This includes knowing how to fill out the documentation, drafting the proper documents and having the financial means to pay for the application.

Another issue that arises for ex-inmates is finding the funding to pay for their education.

Then, they run into another obstacle, applying for Federal Student Aid. While those who have been convicted a crime that is not drug-related will be eligible to apply, those convicted of petty drug offense will not be able to receive federal funding. According to the U.S. Department of Education, the 1998 Amendment to the Higher Education Act of 1965 states under Title IV: Section 484:

:1) IN GENERAL- A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

    `If convicted of an offense involving:  
    The possession of a controlled substance:  
    Ineligibility period is:  
    First offense  
    1 year  
    Second offense  
    2 years  
    Third offense  
    Indefinite.

    The sale of a controlled substance:  
    Ineligibility period is:  
    First offense  
    2 years  
    Second offense  
    Indefinite.”

From this we can conclude that a person who has committed one drug offense is still eligible for federal aid after a certain designated time. However, there are certain pre-requisites the applicant must fulfill as part 2 describes :

(2) REHABILITATION- A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if--

`(A) the student satisfactorily completes a drug rehabilitation program that--

`(i) complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and

`(ii) includes two unannounced drug tests; or

`(B) the conviction is reversed, set aside, or otherwise rendered nugatory.

The 1998 Amendment to the Higher Education Act of 1965 creates additional barriers to ex-inmates who only aspire to better themselves. It is also very common for drug offenses to be repetitive because the behaviors are socially constructed by peers, communities and society. According to the National Institute of Justice, released prisoners who were in prison for possessing, using or selling illegal weapons have a 70.25% like hood that they will return.

In the case of ex-inmates who have committed more than three drug offenses, they are indefinitely denied for federal aid to pay for their education, a tool which they would have used to better themselves. Instead, they are denied access to success and pushed back to return to their old habits and lifestyle. This raises the issue of inequality in criminalization, why are violent offenses not included in the eligibility criteria? That is answer that should be asked to policy makers, to better understand the 'rationality' behind such policies.

Now that we have addressed the hindering policy against drug offenders. We shall analyze the amount of prison inmates who are in prison for a drug offense. According to the Federal Bureau of Prisons, 49.9% of inmates in federal prison were serving time for drug offenses. I would like to briefly mention that this figure was last updated on April 26, 2014. It is relevant to our time period and it is shocking to

acknowledge the fact that nearly half of our society's prison inmates are non-violent offenders. Even more shocking is that they are forced to live amongst violent offenders such as murders, rapists, serial killers and such. Non-violent drug offenders should not have to face such harsh charges and they "should not be housed with the general prison population." (Meraz-Garcia 110) To force two differently types of offenders to live amongst each other only allows the criminal behavior to grow.

However, I would argue that politicians might be more inclined to change the structure of prisons if it was mostly occupied by the dominant group of Whites. However, as previously mentioned Blacks and Hispanics currently represent the majority in prison population. Combined the percentages of Blacks and Hispanics in prison, results in a shocking 72%.

I would also argue that policy makers have created this 'war on drugs' to essentially create a structure in which minority groups are forced to fall into the lowest socioeconomic class existing. This becomes evident when we analyze the figures of the racial/ethnic groups who are committing drug offenses. According to the Bureau of Justice Statistics, out of the population committing drug offenses Blacks represent 47.4%, Hispanics-31.1% and Whites-21.5%.

Further, I would also not contend to the idea that due to the anti-immigrant, anti-Mexican, and anti-Latino sentiment that is still felt while less visibly, still present, is highly influential in the policies that are implement in the U.S. government. The harsh policies that have been placed on the 'war on drugs' was not in any way accidental but intentional in targeting minority groups, especially Latinos. According to the Bureau of

Justice Statistics, the highest percentage of crimes committed by Hispanics are drug offenses.

### Conclusions and Future Study

In conclusion, due to various hindering policies, drug offenders are harshly punished. This punishment does not only take the form of the time they have to pay to society in jail but also the harsh reality of being denied resources to improve their lives once they are released. Throughout the research, it was quite shocking to see all the barriers that are placed on drug offenders once they are released. I question whether government officials are truly seeking to end the violence and drug consumption or only creating more violence through harsh regulations. In this research it is quite evident that Black and Latinos are the two main minority groups most affected by these policies. I would suggest further research needs to be done to analyze the racial/ethnic composition of the prison inmates who are actually seeking educational courses while they are in prison. This would give support to the idea that possibly Blacks and Latinos want to better themselves and escape the socioeconomic class they have been placed in. Further research should also focus on what educational programs and strategies are actually working for the inmates in modifying their behavior and reducing recidivism.

### References

A Third of Americans Now Say They Are in the Lower Classes. (n.d.). Pew Research Centers Social Demographic Trends Project RSS. Retrieved May 3, 2014,

from <http://www.pewsocialtrends.org/2012/09/10/a-third-of-americans-now-say-they-are-in-the-lower-classes/>

Blumstein, A. (1988). Prison populations: A system out of control. *Crime & Just.*, 10, 231.

Bureau of Justice Statistics (BJS). (n.d.). Bureau of Justice Statistics (BJS). Retrieved April 20, 2014, from <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4737>

Erisman, Wendy and Contardo, Jeanne B. 2005. *Learning to Reduce Recidivism*.

Garcia, M. (2012). *Ordinary individuals who become narco-traffickers: a theoretical & interdisciplinary approach to drug trafficking*. Dubuque, IA: Kendall Hunt Pub. Co..

Harlow, C. W. (n.d.). *Education and Correctional Populations*. . Retrieved May 3, 2014, from <https://youthbuild.org/sites/default/files/news/2012/08/3022/ecp.pdf>

Langan, Patrick A., and David J. Levin. 2002. *Recidivism of Prisoners Released in 1994*.

Office of Justice Programs (OJP): Corrections. (n.d.). *Corrections for the Office of Justice Programs (OJP)*. Retrieved April 25, 2014, from <http://ojp.gov/programs/corrections.htm>

RAND Safety and Justice Program. Pardee RAND Graduate School. 2003

Recidivism. (n.d.). National Institute of Justice. Retrieved May 24, 2014, from <http://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx>

Section 483 -- 1998 Amendments to Higher Education Act of 1965. (n.d.). Section 483 -- 1998 Amendments to Higher Education Act of 1965. Retrieved April 25, 2014, from <http://www2.ed.gov/policy/highered/leg/hea98/sec483.html>

United States Census Bureau. (n.d.). *Correctional Facilities, Prisoners*. Retrieved April 20, 2014, from [http://www.census.gov/compendia/statab/cats/law\\_enforcement\\_courts\\_prisons/correctional\\_facilities\\_prisoners.html](http://www.census.gov/compendia/statab/cats/law_enforcement_courts_prisons/correctional_facilities_prisoners.html)

Walmsley, R. (2003). *World prison population list*. London,, England: Home Office.

The Washington Post. *The meteoric, costly and unprecedented rise of incarceration in America*, April 2014

Windham School District. 2004. Division of Continuing Education Post-Secondary Program.