



National Hispanic and Latino

PTTC

Prevention Technology Transfer Center Network  
Funded by Substance Abuse and Mental Health Services Administration

# Hispanic and Latino Populations and the Criminal Justice System

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## Introduction

This mini e-book was developed to provide information and resources to prevention professionals, providers, and community members about the intersectionality between the criminal justice system, mental health, substance use, and Hispanic/Latino communities.

At the end of the document, you will find resources from trusted sources and action and prevention tips to better support our communities on the issue.

We hope this resource is useful for you, and we hope you can share the information with your family, friends, and colleagues.

### **Inclusivity Statement**

The National Hispanic and Latino PTTC understands that there is a lot of important discussion focusing on the terminology individuals choose to use for racial, ethnic, heritage, and cultural identification. Different terms, such as Latinos, Latinas, Hispanics, Latinx, Latine, Chicano, and others, are all equally valuable. We advocate for self-identification for every person. For purposes of this resource and additional materials, our Center will be using the term Latina and Hispanic.



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## INTRODUCTION

Racism, discrimination, and xenophobia are ever-present tools fueled by U.S. white nationalism that has always been used against Latino populations but have significantly increased in prevalence since 2016. In addition to the blatant racist rhetoric propagated by former U.S. President Donald Trump, there has been a rise in the alt-right conservative movement. Publicly broadcasting messages about Latino communities resulted in severe consequences, including increased contact with the legal system. <sup>1</sup>

Of the 62.3 million Latinos in the United States, 56% have had some contact with the legal system and are often at risk of being targeted by police. Further, 44% of Latinos are more likely to be convicted of property and non-violent offenses than white citizens. <sup>2,3</sup>

In 2021, Latinos represented 20% of the prison and local jail population nationwide but only represented 19% of the total U.S. population. Whites, who make up 76% of the U.S. population, comprise 37% of the prison population. <sup>3,4</sup>

Further breaking down these statistics, Hispanic men are four times more likely to go to prison than non-Hispanic white males, and Hispanic women are three times more likely to serve a prison sentence than white women during their lifetimes. <sup>5,6</sup>

Additionally, when arrested, most Latino individuals are more likely to be given higher bail amounts and are 33% less likely to be able to meet bail. Although these statistics may raise questions regarding individual or community concerns within Latino-identifying spaces, the primary issue is the historical and current conditions that have allowed and justified the criminalization of minorities. <sup>2</sup>

The fact that many incarcerated individuals are Latino has no doubt been influenced by the lingering effects of redlining (being forced to live in substandard housing due to financial constraints), the school-to-prison pipeline, and the general lack of access to concrete support services. <sup>2</sup>



## HOW DOES INCARCERATION AFFECT THE HISPANIC AND LATINO COMMUNITIES?

The conditions in correctional facilities pose a high risk to Latino's health and safety due to confinement and incarceration stress and physical injuries caused by fights threatening their reintegration into their communities. Latinos integrating into society face adversities that may increase recidivism risk factors, such as re-engagement in criminal behavior and substance misuse. However, they often lack access to services and support to address these behavioral health issues.<sup>7</sup>

There is a strong correlation between family, social, and community support and emotional-cognitive regulation and healing throughout their involvement with the criminal justice system. Without meaningful social and systems-based support and actual opportunities to take accountability for the offense, formerly incarcerated individuals may continue exhibiting high-risk behaviors that could lead to recidivism. Ultimately, access to structural resources and support is one of the most crucial protective factors for the Latino community.<sup>7</sup>

## WHAT IS THE RELATION WITH SUBSTANCE USE?

Despite the difficulty of determining the exact number of inmates suffering from substance use disorders (SUDs), some research indicates that approximately 65% of the prison population has an active SUD. Furthermore, 20% of incarcerated individuals were under the influence of drugs or alcohol when they committed their crime but did not meet the official SUD criteria.<sup>8</sup>

A study conducted in California on individuals with SUDs involved in the criminal justice system indicated that Latinos were less likely to express the need for treatment or participate in treatment than individuals from other ethnicities.<sup>9</sup>

National surveys indicate that Latinos have less access than other Americans to substance misuse treatment or must wait longer to access such services. Once they enter treatment, they are less satisfied with the services they receive, leading to unsuccessful treatment and recovery journeys.<sup>9</sup>



Studies have shown that treatment for substance misuse in the criminal justice system during and after incarceration has significantly reduced substance misuse and related crimes. However, less than 20% of incarcerated individuals with drug misuse or dependence receive formal treatment.<sup>10</sup>

An analysis of correctional programs and organizations throughout the country found that most correctional agencies provide treatment for substance misuse. However, the median percentage of incarcerated individuals eligible for these services is typically less than 10%. Even then, the individuals with access to treatment while incarcerated do not receive post-incarceration treatment, which is essential to recovery and reduced recidivism rates.<sup>10</sup>

## **WHAT IS THE CONNECTION WITH MENTAL HEALTH ISSUES?**

According to the National Survey on Drug Use and Health, 56.8% of Hispanic and Latino young adults (ages 18–25) and 39.6% of adults (ages 26–49) did not receive the treatment they needed for mental illness.<sup>11</sup>

Furthermore, the same study reports that 90% of Hispanic and Latino substance use disorder patients did not receive care. This is important to note as Hispanics aged 18 and over with mental illness are more likely to have co-occurring substance misuse disorders.<sup>11,12</sup>

However, services often attempting to address these comorbid disorders have significant gaps in care and communication, contributing to a disconnect in services overall, especially for the incarcerated Hispanic and Latino populations, as access to treatment becomes more unattainable. The overwhelming lack of care and combined stressors experienced by incarcerated individuals can ultimately elevate mental and behavioral health issues.<sup>12</sup>



## MESSAGE OF HOPE AND RESOURCES

The League of United Latin American Citizens (LULAC) recognizes laws, policies, and practices in the criminal justice system. They research racial profiling and the disproportionate application of mandatory minimums. LULAC makes efforts to reduce incarceration, reform practices that disproportionately impact communities of color, create safe environments for all communities, and build trust between law enforcement and the communities they serve and protect.<sup>2</sup>

The most hopeful message for Latino populations regarding their intersection with the criminal justice system is prison abolition. Abolitionist perspectives argue that attempts to reform the carceral system do not adequately target the root of harm for minority communities.<sup>13</sup>

The criminal justice system disrupts communities with policing, dehumanizing individuals with a violent and isolating prison system and preventing a meaningful return to society by withholding and disenfranchising opportunities when an individual is released. For example, Latino immigrants and most impoverished Latino individuals are disproportionate targets of policing, police violence, arrest and sentence times for non-violent crimes, and exploitation and violence upon incarceration.<sup>13</sup>

Abolition movements, such as those embodied by the National Compadres Network, seek to mitigate these outcomes by holding the criminal justice system accountable for the harm it causes to Hispanic and Latino communities, applying political and social pressure to dismantle prisons and policing, and implementing community-based intervention practices.<sup>13</sup>



## RESOURCES

### Additional Resources

You can visit the following websites for additional support and information.

#### **Substance Abuse and Mental Health Services Administration (SAMHSA)**

5600 Fishers Lane

Rockville, MD 20857

Toll-free: 1-877-SAMHSA-7 (1-877-726-4727)

TTY: 1-800-487-4889

Email: [samhsainfo@samhsa.hhs.gov](mailto:samhsainfo@samhsa.hhs.gov)

SAMHSA Store: <https://store.samhsa.gov>

#### **SAMHSA Disaster Technical Assistance Center**

Toll-free: 1-800-308-3515

Email: [dtac@samhsa.hhs.gov](mailto:dtac@samhsa.hhs.gov)

Website: <https://www.samhsa.gov/dtac>

#### **SAMHSA Disaster Mobile App**

Website: <https://store.samhsa.gov/product/samhsa-disaster>

#### **SAMHSA Disaster Distress Helpline**

Toll-free talk or text: 1-800-985-5990

Español: Llama o envía un mensaje de texto

1-800-985-5990 presiona "2".

American Sign Language (ASL): Click on the "ASL Now" button on the website or call 1-800-985-5990 from your videophone.

Website: <https://disasterdistress.samhsa.gov>



## RESOURCES

### 988 Suicide & Crisis Lifeline

Call or text: 988

Chat: 988lifeline.org

(Español) Línea de Prevención del Suicidio y Crisis: 988

For TTY users: Use your preferred relay service or dial 711 and then 988.

Website: <https://988lifeline.org>

Website (español): <https://988lifeline.org/help-yourself/en-espanol>

### SAMHSA's National Helpline

Toll-free: 1-800-662-HELP (1-800-662-4357) (24/7/365 treatment referral information service in English and español)

TTY: 1-800-487-4889

Website: <https://www.samhsa.gov/find-help/national-helpline>

## REFERENCES

1. [Latinos and Racism in the Trump Era](#)
2. [LULAC - Criminal Justice Reform](#)
3. [Correctional Populations in the United States, 2021 – Statistical Tables](#)
4. [United States Census Bureau](#)
5. [Hispanic Prisoners in the United States](#)
6. [Incarcerated Women and Girls](#)
7. [The Assets and Challenges of Formerly Incarcerated Latino Men's Social Support Networks in Promoting Healthy Behaviors](#)
8. [Criminal Justice Drug Facts](#)
9. [Substance Abuse Prevalence and Treatment Among Latinos and Latinas](#)
10. [Treating Drug Abuse and Addiction in the Criminal Justice System: Improving Public Health and Safety](#)
11. [2018 National Survey on Drug Use and Health: Hispanics, Latino or Spanish Origin or Descent](#)
12. [The Relationship Between Community Public Health, Behavioral Health Service Accessibility, and Mass Incarceration](#)
13. [National Compadres Network Mission and Purpose](#)





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[PTTCnetwork.org/hispaniclatino](https://PTTCnetwork.org/hispaniclatino)

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