

Hispanics and Latinos/Latinas in Drug Courts: Cultural Strategies to Enhance and Sustain Recovery

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While Hispanics and Latinos/Latinas do not make up the majority of the US population, they are disproportionately overrepresented in the criminal justice system. As of July 2015, the Hispanic population in the United States reached 56.6 million.¹ In 2015, the Hispanic and Latino/Latina population made up over 17 percent of the entire United States population.²

The arrest rate for Hispanics in the United States is 1.5 times higher than it is for non-Hispanic Whites.³ One in four federal inmates is Hispanic.⁴ Overall, the Hispanic population has bail set at higher amounts and is less likely to be released on their own recognizance than non-Hispanic Whites.⁵ In addition, the Hispanic population uses drugs at about the same rate as non-Hispanic Whites, but is 53 percent more likely to be incarcerated for drug-related crimes.⁶

Common Challenges for Hispanics and Latinos in Drug Court

Hispanic and Latino/Latina participants of drug court face a number of challenges that can hinder successful completion of a drug court program and complicate the recovery process. Specific challenges being highlighted below fall under two categories: cultural challenges and linguistic challenges.

Cultural Challenges

There are a number of cultural norms such as machismo, congeniality, familial relationships, spirituality, and respectful attributes that influence the way Hispanics and Latinos/Latinas view substance use.⁷ In a survey of Hispanics on the unmet need for substance abuse treatment, 95.8 percent of respondents with a substance-use disorder felt they did not need treatment.⁸ This belief regarding the lack of need for treatment could stem from the way substance use is viewed within Hispanic and Latino/Latina cultures. Matters like substance use and mental health disorders tend to be heavily stigmatized, untreated, and seen as problems that should remain within the family.⁹ The high regard for machismo, or strong masculinity, makes seeking treatment seem like a sign of weakness.¹⁰ The reluctance by older generations within the Hispanic and Latino/Latina communities to seek treatment for themselves or encourage family members to seek treatment also proves to be another social norm.¹¹

These cultural norms could lead to instances where family members think they are helping their loved ones by hiding their substance use from others, but they may be doing more harm by not helping their loved ones seek treatment.¹²

Definitions

Hispanic: a citizen of Spain or a U.S. citizen of Latin Spanish descent.²⁶

Latino/Latina: a citizen of Latin America or a U.S. citizen of Latin American.²⁷

Linguistic Challenges

For the approximately 57 million Hispanics in the United States, about 23 million are not fluent in the English language.¹³ For people who do not speak English and communicate better in their native languages, the language barrier can be a significant obstacle for participants in drug court programs. Some languages that drug court staff must be cognizant of when dealing with Hispanic and Latino/Latina populations include Spanish, Portuguese, French, Dutch, and Creole. Beginning with arrest and ending with treatment, this population is not always afforded the necessary services to help them overcome the language barrier.

The legal proceedings and number of forms, contracts, waivers, and instructions that participants receive both before and during their drug court tenure can be overwhelming and often are only available in English. When these linguistic barriers exist, participants can have trouble communicating with lawyers, judges, court officers, treatment providers, and other drug court team members.¹⁴ When participants do not understand what is expected of them in the drug court program, they risk agreeing to terms of their participation without fully understanding the consequences of waiving rights, signing contracts and agreements, or agreeing to certain probation conditions.¹⁵ In addition, differences in definitions of legal terms used in the United States and one's native country adds to the uncertainty about what the participants are agreeing.

Addressing These Challenges

One of the goals of drug court is the successful completion of treatment programs that address the needs of their participants which includes having a culturally responsive approach. To address the specific needs of the Hispanic and Latino/Latina participants and increase participant success, drug court team members should incorporate culturally competent approaches into their program, as well as into their evidence-based practices.¹⁶ Examples of culturally competent evidence-based practices include: translating forms and brochures, creating a cultural competence advisory committee, using bilingual staff, and working with community organizations and their networks as forms of support.¹⁷

One way to integrate cultural competency into drug court programs is to provide all team members with cultural competency training. A key component of successful cultural competency incorporates the need for drug court practitioners to know their clients on an individual level. In addition, cultural competency training educates practitioners about the cultural values and customs that could potentially affect their clients' treatment process. Cultural competency helps practitioners become familiar with their clients' cultural perspectives and allows them to make program adjustments to reflect these cultural elements.¹⁸ For participants who face language barriers in their local drug courts, interpreters and translated resources can help them find success.

Personal relationships are a key element of the Hispanic and Latino cultures, which is why it is important that treatment providers and other drug court practitioners maintain a vested interest in participants' recovery and other aspects of their lives.¹⁹ This approach of culturally competent treatment allows team members and treatment providers to get a closer look at how culture has affected a participant's ability to receive treatment and progress through the drug treatment court program.²⁰

Drug court teams can use cultural values to better understand how to assist participants and encouraging family support and involvement and integrating spiritual elements into treatment.²¹ Treatment options like family therapy can play an integral role in rebuilding clients' lives and helping address any influence the family may have on substance use.²² Culturally, Hispanics and Latinos/Latinas may see health as a synergistic relationship between the mind, body, and spirit. Incorporating these elements into treatment plans may also be beneficial.²³

For team members actively working with Hispanic and Latino/Latina participants, it is important that they do not make assumptions about their clients based on stereotypes or biases. Microaggressions, like the assumption that a client speaks a certain language, can be damaging to the recovery process, as these stereotypes and insensitivities have the potential to create hostile, aggressive environments. These microaggressions, coupled with a negative environment, could hinder the client-practitioner relationship.²⁴ Simply being mindful of a client's belief system, as well as working to avoid implicit or explicit bias and discrimination, can positively impact the drug court environment.²⁵

Conclusion

Drug treatment court practitioners must find methods and practices that best address the needs of Hispanic and Latinos/Latina drug court participants. Different ethnic populations face their own unique cultural challenges that can severely impact their success in drug treatment programs. With the proper support from drug court teams, sufficient language resources, and an emphasis on cultural competency, practitioners have the opportunity to better equip Hispanic and Latino/Latina participants with tools to help them overcome these unique challenges and successfully complete the drug court program.

This paper is meant to accompany a previously recorded webinar, which can be found on the Justice Programs Office YouTube channel.

Endnotes

¹ Antonio Flores, “How the U.S. Hispanic Population is Changing”, *Pew Research*, (2017).

² "FFF: Hispanic Heritage Month 2016." Newsroom. October 12, 2016. Accessed January 09, 2018. <https://www.census.gov/newsroom/facts-for-features/2016/cb16-ff16.html>.

³ Californians for Safety and Justice, “Latino Voices: The Impacts of Crime and Criminal Justice Policies on Latinos”, 11.

⁴ Californians for Safety and Justice, Latino Voices, 11.

⁵ *ibid.*, 6.

⁶ Californians for Safety and Justice, Latino Voices, 7.

⁷ Diana Padilla & Joseph R. Madonia, “Hispanics and Latinos in Drug Courts: Cultural Strategies to Enhance and Sustain Recovery”. (webinar, Justice Programs Office, May 5, 2011).

⁸ Substance Abuse and Mental Health Services Administration, “2013 National Survey on Drug Use and Health”. (Rockville, MD 2014).

⁹ Victor Flores, “Cultural Elements in Treating Hispanic/Latino Populations”. (presentation, Caribbean Basin & Hispanic ATTC, August 19, 2011).

¹⁰ Diana Padilla & Joseph R. Madonia, “Hispanics and Latinos in Drug Courts”.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Victor Flores, “Cultural Elements in Treating Hispanic/Latino Populations”.

¹⁷ Substance Abuse and Mental Health Services Administra-

tion, “Consumer-Operated Services: Getting Started with Evidence-Based Practices”. (Rockville, MD 2011), 2.

¹⁸ Victor Flores, “Cultural Elements in Treating Hispanic/Latino Populations”.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ Diana Padilla & Joseph R. Madonia, “Hispanics and Latinos in Drug Courts”.

²⁵ *Ibid.*

²⁶ "Hispanic." Merriam-Webster. Accessed January 09, 2018. <https://www.merriam-webster.com/dictionary/Hispanic>.

²⁷ “Latino.” Merriam-Webster. Accessed January 09, 2018. <https://www.merriam-webster.com/dictionary/Latino>.

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