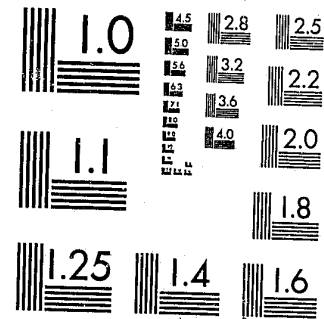


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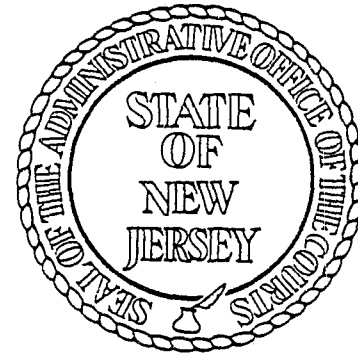
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HISPANICS AND PROBATION SERVICES:
SOME PRELIMINARY EXPLORATIONS

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Hispanics and Probation Services: Some Preliminary Remarks

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EXECUTIVE SUMMARY

1. The absence of written policy regarding how to handle situations in which probation clients do not speak English does not ensure the equal provision of rights and services to probationers who do not speak English.
2. The Probation Officer--Bilingual (Spanish-English) title was created in 1973 to meet the needs of growing Hispanic populations in the state but only three counties have ever used the title. Five Chief Probation Officers were unaware that the title existed.
3. Most counties with need for the title have not used it. Further, there is no consistent pattern among those who have used the title that suggests that the creation of the title is related to the degree of need for the title.
4. Hudson and Essex Counties have critical needs for additional bilingual probation officers while Passaic, Camden, Mercer and Monmouth Counties appear to have a need for at least one person in this title.
5. Some departments have translated some probation documents into Spanish although there has been no clear pattern among the departments as to which documents should be made available in Spanish.
6. None of the Spanish documents was free of errors. The persons who prepared the documents apparently did not know Spanish well enough to produce Spanish documents of the same quality as the English originals.

Further, very few of the Spanish documents were prepared on a typewriter with Spanish characters.

7. Recruitment of bilingual staff was identified to be a problem for some Chief Probation Officers.
8. There is extensive need for training probation officers in cross-cultural dimensions of service delivery, especially vis-a-vis Hispanic clients.
9. The absence of knowledge and expertise in cross-cultural dimensions of service delivery limits the effectiveness of probation services. In fact, ignorance in this area too frequently leads to the deprivation of clients' rights.

Key Comments from Chief Probation Officers

1. The ability of probation departments to deliver services to Spanish-speaking persons should be evaluated further to include services rendered by paraprofessional (e.g., investigators) and clerical staff.
2. The distinction between bilingual and interpreter variances of probation titles should be studied for its ramifications for policy and development of personnel standards.

EPIGRAPH

Spanish, unlike any other language, has quasi-official status in the United States because of our relationship to the Commonwealth of Puerto Rico. Puerto Ricans are United States citizens with the same responsibilities and benefits of other United States citizens, but schools in Puerto Rico are conducted in Spanish. Thus, unlike non-English speaking immigrants from foreign countries, non-English speaking Puerto Ricans are not required to learn English before they may exercise their right to vote as United States citizens. Spanish is thereby given special recognition as the native language of many United States citizens.... [W]hen, implicitly and explicitly, Spanish has achieved some measure of official recognition, the Spanish-speaking population may reasonably expect that information of great importance to their well-being will be conveyed to them in a manner that communicates the essential information required.

Chief Justice Robert N. Wilentz, dissenting,
Alfonso v. Board of Review, __N.J.__ (1982)
 (slip opinion at 16-18)

INTRODUCTION

Probation Services have maintained an ongoing responsibility to meet special needs of the Courts and clients entrusted to their supervision. This report is an attempt to begin to focus attention on the needs of Hispanic probation clients. It focuses primarily on the need for bilingual staff and the need to communicate effectively with clients who speak Spanish primarily or exclusively.

The importance of addressing this issue was emphasized again late in 1981 when PAMS staff visited a county probation department. During the course of the visit PAMS staff incidentally learned from the supervisor of the presentence process about a situation in which a presentence interview had been conducted in the county jail with a bilingual prisoner serving as interpreter. Consistent with day-to-day practice and absent any policy to the contrary, the officer had asked the jail to provide an inmate to translate as the defendant spoke only broken English. When the presentence report was reviewed by the defense attorney prior to sentencing the attorney became quite outraged upon noting several erroneous statements therein that can be attributed to the dynamic set up by using a prisoner.

The first problem with using a prisoner as interpreter was that it seriously compromised the defendant's ability to freely and fully reply to the interviewer's questions. The supervisor of the officer observed that using a third party in this kind of arrangement imposed a chilling effect on the interview generally and probably inhibited the defendant's ability to answer some questions

fully and openly. In addition, there is a need for self-protection given the nature of the social culture of jails.

The second problem with using a prisoner in this fashion was that it compromised the officer's position as a neutral party seeking facts. The officer could not guarantee that the inmate was an impartial, unbiased translator. Bias may have entered through inaccurate translation or via deliberate mistranslation or editing.

The third problem in this instance was the erroneous inferences drawn from the interview. Because of the chilling effect the defendant did not answer all of the interviewer's questions fully and readily.¹ The officer concluded and wrote in the report that the defendant was "very evasive" on some questions. It is true that the defendant avoided those questions; however, the implication that he deliberately withheld information from the interviewer is incorrect. Rather, as both the supervisor and the attorney² have pointed out to PAMS staff, the defendant was protecting himself from the third party, the prisoner.

It is not hard to see how this inability of staff to communicate effectively in Spanish led to incorrect and prejudicial remarks in the presentence report. With the defendant having been deprived of the right to fully assist in the preparation of this critical document, the probation service failed to ensure that an unbiased and factually true report be submitted to the court.

¹ The defendant's hesitation to answer fully is also attributed to several cross-cultural factors that are described at the conclusion of this report.

² PAMS contacted the defense attorney through the probation supervisor and discussed the case at length. We report here points agreed upon by both the supervisor and the attorney.

SURVEY BACKGROUND

On December 16, 1980, PAMS sent a memo to all chief probation officers requesting that they answer a questionnaire on Probation Services for Hispanics in New Jersey.³ The memorandum introduced the questionnaire with the following:

There is a growing need to ensure the delivery of bilingual-bicultural services to Hispanic probationers and their families. We are trying to learn more about the status of probation services for Hispanics and would appreciate your completion of the attached questionnaire.

The questionnaire focused on four issues: (1) use of the Civil Service title, "Probation Officer--Bilingual" (Spanish-English), (2) translation of probation documents into Spanish, (3) departmental policy for dealing with clients who speak Spanish only and (4) any other issues that the chiefs thought should be raised.

THE HISPANIC POPULATION OF NEW JERSEY

Before we review the responses to the questionnaire it will be helpful to know the number of Hispanics in New Jersey. Hispanics presently account for 6.7% of New Jersey's total population (see Table 1). Six out of ten New Jersey Hispanics reside in three northeastern counties. The county with the largest Hispanic population is Hudson where 26.1% or 145,163 persons are Hispanic. In fact, the majority of the population of two Hudson municipalities is Hispanic. Union City is 64% Hispanic and West New York is 63% Hispanic. Essex follows with over 76,000 Hispanics (9% Hispanic) and Passaic with over 62,000 Hispanics (14% Hispanic). Although they are concentrated predominantly in the northeastern

³ Consult Appendix A for a copy of the questionnaire.

portion of the state, there are large percentages of Hispanics among the populations of southern counties (e.g., 9% of Cumberland) and southern cities (e.g., 19% of Camden, 16% of Woodbine, 18% of Vineland, and 16% of Egg Harbor) as well as cities in other geographical regions of the state (e.g., 41% of Perth Amboy, 27% of Dover and 10% of Hackensack). Appendix B reports further demographics.

TABLE 1
Hispanic Population by County

County	Total Population	Number of Hispanics	Percent Hispanic
Atlantic	194,119	7,590	3.9
Bergen	845,385	28,514	3.4
Burlington	362,542	8,658	2.4
Camden	471,650	20,656	4.4
Cape May	82,266	1,190	1.4
Cumberland	132,866	12,525	9.4
Essex	850,451	76,568	9.0
Gloucester	199,917	2,407	1.2
Hudson	556,972	145,163	26.1
Hunterdon	87,361	908	1.0
Mercer	307,863	10,580	3.4
Middlesex	595,893	34,138	5.6
Monmouth	503,173	12,915	2.6
Morris	407,630	10,952	2.7
Ocean	346,038	8,444	2.4
Passaic	447,585	62,123	13.9
Salem	64,676	1,005	1.6
Somerset	203,129	4,080	2.0
Sussex	116,119	1,764	1.5
Union	504,094	40,756	8.1
Warren	84,429	961	1.1
TOTAL	7,364,158	491,867	6.7

Source: New Jersey 1980 Census Counts of Population of Race and Spanish Origin. Department of Labor and Industry, Division of Planning and Research, Office of Demographic and Economic Analysis. March 1981.

HISPANIC PROBATIONERS IN NEW JERSEY

The number of Hispanic probationers in New Jersey is unknown as the availability of this statistic varies from county to county and from probation type to probation type within counties. However, we can project some estimates of the probable number of Hispanics on probation in New Jersey. When the Sentencing Guidelines Project gathered its data it identified the race/ethnicity of all cases. From that data base we have learned that 10% of all cases placed on probation during the period of that study (October, 1976 to October, 1977) were Hispanic. The percentage of Hispanics among persons placed on probation during that period ranged widely from county to county, from 0% in Sussex County to a high of 22% in Passaic County (See Table 2 for complete details on all counties).

Although we do not know for certain that those percentages have remained constant over time, it is reasonable to assume that there has been no substantial change in the percentage of persons being placed on probation who are Hispanic. On the assumption that the percentages of 1976-77 have not changed tremendously, we have projected ball park figures for the numbers of Hispanics on probation in 1981. Table 2 reports that there may be approximately 2,200 Hispanics on probation out of Superior Court and perhaps another 1,000 on probation out of the Municipal Courts. We urge the reader to treat these statistics with caution and as best guesses only and to allow this paper the benefit of using them as suggestive. However, be reminded that these statistics do not include juveniles (delinquents or JINS) or civil cases and the

TABLE 2

Hispanic Probationers in New Jersey

County	% of Probationers who were Hispanic	Projected # of Hispanics on Probation from Superior Court as of 8/31/81 ¹	Projected # of Hispanics on Probation from Municipal Court as of 8/31/81 ²	Total Projected # of Hispanics on Probation for Criminal Offenses as of 8/31/81 ³
Atlantic	8	63	24	87
Bergen	8	105	50	155
Burlington	2	13	9	22
Camden	9	166	58	224
Cape May	1	5	1	6
Cumberland	15	93	17	110
Essex	10	275	195	470
Gloucester	10	56	17	73
Hudson	20	500	245	745
Hunterdon	14	32	2	34
Mercer	8	60	36	96
Middlesex	9	220	55	275
Monmouth	6	75	4	79
Morris	6	20	15	35
Ocean	6	58	42	100
Passaic	22	286	179	465
Salem	4	19	1	20
Somerset	4	17	5	22
Sussex	...	0	...	0
Union	7	133	41	174
Warren	6	5	3	8
TOTAL	10	2,201	999	3,200

¹ This figure represents the product of the percentage cited in column 2 against the number of adult superior court probationers on probation in the county on August 31, 1981, as reported in the PAMS Monthly Summary.

² This figure is derived in the same manner for the number of Municipal Court cases reported in the same document. Note that this projection should be viewed with caution as it assumes that the same percentages of persons placed on probation out of Superior Courts are the same as the percentages of persons placed on probation out of Municipal Courts. This is certainly unknown and should be considered a reasonable guess in the absence of other data.

³ This figure is the sum by county of the numbers reported in columns 3 and 4. The same cautions identified in the preceding footnote apply here.

Source: The percentages are derived from the Sentencing Guidelines Project's data base. The data base include all adults placed on probation for indictable offenses (disorderly persons and other Municipal Court cases being omitted) during the period October, 1976 through October, 1977. Although the category from which we have taken our percentages was coded "other" and includes orientals and Indians as well as Hispanics, 97% of all persons coded "other" were Hispanic.

percentage of Hispanics among those groups of probationers is completely unknown.

As with the general population of Hispanics around the state, the concentration of Hispanic probationers is in the north-east. Over half (52%) of all Hispanic probationers are on probation in Hudson, Essex or Passaic County. These three counties constitute the highest volume of Hispanic cases in probation.

Five counties have moderate numbers (range = 110-275) of Hispanic probationers and these counties include Middlesex, Camden, Union, Bergen and Cumberland. Five other counties have low (range = 73-100) numbers of Hispanics on probation, Monmouth, Mercer, Atlantic, Ocean and Gloucester. All of the other counties have fewer than 40 Hispanic probationers. Consult Table 3 for the ranking of all counties.

We have broken the twenty-one counties into these four categories to facilitate identification of the need for bilingual/bicultural personnel within probation departments. The responses to the questionnaire will be reviewed in terms of the estimated numeric size of the Hispanic clientele of the county probation departments.

HISTORY AND DESCRIPTION OF THE BILINGUAL PROBATION OFFICER TITLE

The Passaic County Probation Department provided the stimulus for the creation of the bilingual title during 1972. With assistance from the Administrative Office of the Courts, the title was established by Civil Service in January of 1973. Passaic County was, therefore, the first county to call for an examination under

TABLE 3
Ranking of Counties* by Hispanic Population
and Projected Number of Hispanic Probationers

Rank of Counties	Rank by Hispanic Population	Rank by Number of Hispanic Probationers
High		
1 Hudson	1	1
2 Passaic	3	2
3 Essex	2	3
Medium		
4 Middlesex	5	4
5 Camden	7	5
6 Union	4	6
7 Bergen	6	7
8 Cumberland	9	8
Low		
9 Monmouth	8	9
10 Mercer	11	11
11 Atlantic	14	10
12 Ocean	13	12
13 Gloucester	16	13
Limited		
14 Morris	10	15
15 Somerset	15	17
16 Burlington	12	18
17 Hunterdon	21	14
18 Salem	19	16
19 Warren	20	19
20 Cape May	18	20
21 Sussex	17	21

* These rankings consider both the census statistics and the projected number of probationers. The number assigned to each county is debatable in some instances and should not be interpreted as absolute but as suggestive. The four categories within which each county is classified are suggested in order to facilitate the comparative presence of Hispanics. The cut-off points from classification to classification may also be debatable (e.g., perhaps Morris should be in the low category). Whatever the case, these classifications are intended to be suggestive and for purposes of analysis and discussion, not as absolute categories.

this title. The other counties who have called for this title are Middlesex (a medium need county) and Salem (a limited need county). Since 1973, the examination has been scheduled five times.⁴

The requirements for candidacy to take the Civil Service exam for this position are identical to those of probation officer with the exception that ability to communicate effectively in Spanish as well as English is added. At the time of examination the traditional exam must be passed. However, candidates are also tested for ability to translate, both verbally and in writing, to and from Spanish and English. They must pass the language test as well.

HOW MAY A PROBATION DEPARTMENT OBTAIN THIS TITLE?

Examinations for this title may be requested from Civil Service upon documentation to Civil Service of the presence of a significant client group which necessitates the use of the title. The staff who can provide assistance on this matter are listed below:

Northern Region: John Collins (201)648-4733
 Central Region: Donald Bennett (609)292-8026
 Southern Region: Walton Streit (609)757-2541

USE OF THE BILINGUAL PROBATION OFFICER

Most of the chief probation officers were aware of this title although five chiefs did not know the title existed. Of the

⁴ Dates scheduled and given: August, 1973; March, 1975; June, 1978; Date scheduled and canceled: March, 1978. Date scheduled with no results available: September, 1979. Source: John Collins, Department of Civil Service, Newark office. Telephone interview, June 26, 1980.

five who were unfamiliar with the title, one was from a high need county, one from a low need county and the other three were from counties with limited needs.

Even though sixteen of twenty-one chiefs knew of the title, only three had ever called for an examination in order to use the title. As of April 1, 1981 (the date by which all questionnaires had been submitted) Passaic County had hired twelve persons under this title while Middlesex County had employed three and Salem one. At the time the questionnaires were completed, however, there were four officers working in this title in Passaic, one in Middlesex and none in Salem. Thus at the time of the survey, five persons were working in the title of probation officer --bilingual, four of whom were in a single high need county and one in a medium need county. This means that two of three high need counties have not used the title, four of five medium need counties have not used it, none of the low need counties and one of the counties with negligible needs have appropriated it.

NEED FOR THE BILINGUAL TITLE

We asked the chiefs of the counties who had not used the title to assess the degree of need for the title in their counties. Of the two chiefs in the high need division who had not used the title one reported extensive need and one indicated there was no need. The latter reported, "A substantial number of probation officers are conversant in Spanish." The chiefs in the medium need division who had not used the title reported as follows: one indicated a definite need, one some need and two no need at all. One of the two chiefs indicating no need at all reported that a

bilingual Hispanic person was working under the regular probation officer title. The chiefs of the low-need counties reported as follows: one, no need at all; one, "no pressing need;" one, little need; one, some need; and, one did not answer. The chiefs in the counties with negligible Hispanic populations who had not used the title unanimously answered that the need was none or very little.

We compared the chiefs' answers in terms of their knowledge of the title and their estimate of the need for the title. While most chiefs were consistent in their responses, there was one chief from the high need group and another chief from the moderate need group who indicated that they were aware of the title and recognized a high need for the title. However, these two chiefs had not matched the need they themselves identified with this resource and had not secured the bilingual title for their departments.

We also reviewed the chiefs' evaluation of the degree of need for the bilingual title vis-a-vis the numbers and percentages of probation officers and senior probation officers who claim to speak Spanish.⁵ Table 4 reports the number of probation line staff, which includes probation officers and senior probation officers, who claim to speak Spanish. When these statistics are compared to the numbers and percentages of Hispanics on probation (see Table 5), we can begin to make preliminary assessments of the need for bilingual probation officers given current bilingual staff.

⁵ One should recognize that not all Hispanic clients speak Spanish and many, perhaps most, can communicate in English. However, whether they can communicate as effectively in English as they can in Spanish is not so certain.

TABLE 4

Spanish Speaking Language Skills of Probation Line Staff*

County	Total # of POs	# of POs Who Speak Spanish	Total # of SPOs	# of SPOs Who Speak Spanish	Total # of POs & SPOs	Total # of POs & SPOs Who Speak Spanish	Percent of POs & SPOs Who Speak Spanish
Atlantic	23	2	3	0	26	2	8
Bergen	58	3	13	0	71	3	4
Burlington	30	0	9	0	39	0	0
Camden	68	3	13	0	81	3	4
Cape May	11	1	1	0	12	1	8
Cumberland	16	1	7	2	23	3	13
Essex	88	2	78	0	166	2	1
Gloucester	22	2	10	0	32	2	6
Hudson	43	3	27	0	80	3	4
Hunterdon	6	0	1	0	7	0	0
Mercer	11	1	25	0	36	1	3
Middlesex	48	3	51	2	99	5	5
Monmouth	52	1	13	0	65	1	2
Morris	41	3	7	1	48	4	8
Ocean	21	4	16	0	37	4	11
Passaic	42	4	20	0	62	4	6
Salem	13	0	4	0	17	0	0
Somerset	24	0	13	0	37	0	0
Sussex	10	1	3	0	13	1	8
Union	42	5	36	0	78	5	6
Warren	8	1	3	0	11	1	9
TOTAL	677	40	353	5	1,030	45	4

Source: Probation Personnel Inventory, Probation Administrative Management System. The data in this table includes all staff employed as of December 31, 1981.

* All probation officers complete a Personnel Inventory Form when they enter the probation service and the forms are entered into the Probation Personnel Inventory maintained by the Administrative Office of the Courts. The form includes a variable on communication skills and asks officers what languages they know. For each language the officers are asked whether they: (1) read and write the language; and/or, (2) speak the language. For the purposes of this report we have included only those who indicated the ability to speak Spanish.

The reader should note that this data is self-report data and includes no testing or standard. Therefore, the data is of uncertain reliability in terms of the degree to which officers claiming ability to speak Spanish actually do speak Spanish effectively in carrying out their professional probation duties. However, absent any testing procedure or other means of certifying these skills we are taking the data at face value in this report recognizing its possible limitations.

TABLE 5

Spanish Speaking Probation Line Staff Compared With Projected Numbers Of Hispanic Probationers

County & Rank	Staff-Client Ratio	Total Projected # of Hispanic Probationers	% of Probationers Who Are Hispanic	Total # of Line Staff Who Speak Spanish	% of Line Staff Who Speak Spanish
HIGH					
Hudson	1:248	745	20	3	4
Passaic	1:116	465	22	4	6
Essex	1:235	470	10	2	1
MEDIUM					
Middlesex	1:55	275	9	5	5
Camden	1:75	224	9	3	4
Union	1:35	174	7	5	6
Bergen	1:52	155	8	3	4
Cumberland	1:37	110	15	3	13
LOW					
Monmouth	1:79	79	6	1	2
Mercer	1:96	96	8	1	3
Atlantic	1:44	87	8	2	8
Ocean	1:25	100	6	4	11
Gloucester	1:37	73	10	2	6
NEGLIGIBLE					
Morris	1:4	35	6	4	8
Somerset	0:22	22	4	0	0
Burlington	0:22	22	2	0	0
Hunterdon	0:34	34	14	0	0
Salem	0:20	20	4	0	0
Warren	1:8	8	6	1	9
Cape May	1:6	6	1	1	8
Sussex	1:0	0	0	1	8

All three of the high need counties have very low ratios of Spanish speaking staff to Hispanic probationers. Hudson leads with 1:248, closely followed by Essex with 1:235. Passaic is about half that at 1:116. Hudson and Essex counties clearly have critical needs for additional bilingual staff although only one of the two chiefs so reported. Relatively speaking, Passaic is in a much better situation, but additional bilingual staff seem to be desirable there as well. The chief who reported that a substantial

number of staff spoke Spanish obviously did not know his staff.

The middle need counties have much smaller ratios, the highest being Camden with one bilingual officer per 75 Hispanic probationers. On the face of it all five of these counties, with the possible exception of Camden, appear to have little or no need.

The client/staff ratios in the low need counties range widely from Ocean (1:25) to Mercer (1:96). While Mercer and Monmouth have the highest ratios it is difficult to reliably assess their need for bilingual staff from this data alone. We conclude that for the low group there is little or no need for additional bilingual staff with the possible exceptions of Mercer and Monmouth.

Half of the counties classified as having limited needs have no Spanish speaking staff and the remaining half have one officer seemingly able to speak Spanish. There is little evidence that the four counties that have one Spanish speaking officer have any need for additional bilingual staff. However, should not the four counties who have no Spanish speaking officer have at least one? Perhaps the argument could go either way, especially as the need in these counties is so small. It is curious to observe, though, that even with this group of eight counties that four who have no bilingual officers are ranked second through fifth and does not include the three counties with the smallest number of Hispanic clients. If the three counties with the fewest Hispanic probationers have bilingual staff, should not the four counties with higher numbers of Hispanic clients have one bilingual officer?

DEPARTMENTAL POLICY

The next major area we explored was departmental policies with respect to handling clients who speak Spanish only. Only one department has written policy on the matter. That policy consists of the minutes of a supervisors' staff meeting at which it was announced that a newly appointed bilingual staff person should be called on for the service. This county is in the low population group.

On the other hand, twelve counties have implicit/unwritten policy. Two of the three high-population counties have implicit or unwritten policy as well as all five of the medium-population counties, two of the five low-population counties and three of the eight counties with negligible populations. The implicit policies have four approaches. The first is to draw on non-professional Spanish-speaking employees (e.g., clients, investigators) or bilingual officers within the department. The second is to call on other judicial offices, especially Trial Court Administrators, in order to secure a translator/interpreter. The third means is to secure assistance from some outside source such as faculty from a local high school. The last means is to request clients to bring bilingual persons, usually family, with them.

Seven counties have no policy at the written or implicit level. One is a high need county, two are low need counties and four are counties with negligible needs. These chiefs indicated that when staff is presented with a person who speaks no English the typical courses of action are as follows: four seek other probation staff (professional and/or non-professional), one seeks

a Spanish speaking citizen, one secures an interpreter from the court and one secures an interpreter from area agencies.

The remaining county reported remembering only one occurrence of this situation in that county. At the time, there was an officer with an undergraduate Spanish major.

SPANISH TRANSLATIONS OF PROBATION DOCUMENTS

The second section of the questionnaire addressed the issue of whether probation departments had prepared Spanish translations of any probation document. The first document we asked about was the adult standard probation conditions. All of the counties in high and medium categories reported having prepared Spanish versions of this document. Four of the five counties in the low category has not prepared a Spanish version while seven of the eight counties in the negligible category had not prepared a Spanish translation.

The second document about which we inquired was the juvenile standard probation conditions. Statewide only five counties had provided Spanish renditions of this document: one from the high population group, two from the medium group and one from the low group.

Finally we asked whether other probation documents had been translated into Spanish. All three of the high population counties had done so, four of the five medium counties had prepared one or more translation and none of the other counties had translated any probation documents into Spanish.

We asked the chiefs to submit copies of all documents they had translated so we could identify what specific documents in addition to the standard conditions for adults and juveniles had been translated and evaluate their quality. Fifteen of the thirty-one documents they submitted pertained to domestic matters such as support and alimony enforcement and collections. Five were P.T.I. forms and manuals, four general conditions for juvenile probationers and the rest were a hodgepodge of letters and interview forms.

We reviewed the quality of the Spanish documents according to three criteria: (1) comparison of the visual presentation of the document with its English counterpart; (2) identification of obvious typographical, punctuation and spelling errors; and, (3) use of Spanish characters in preparing the documents.⁶ First of all we found that when compared with the English originals sixteen of twenty forms were on official letterheads in both languages and had basically the same visual quality. Only four of twenty Spanish forms were clearly of inferior quality in this respect.⁷

While most of the documents compared favorably with the English originals in terms of visual presentation, not one was completely free of obvious typographical, punctuation and spelling errors. Even the shortest item, which had only 22 words, had two

⁶ PAMS staff do not possess the professional credentials to evaluate the quality of the translations in terms of the degree to which the Spanish versions faithfully convey the sense of the English originals. Therefore, we have limited our evaluation to these criteria for which our staff do have the requisite skills. Nevertheless, our impression was that some translations appeared to be literalistic, rigid and choppy in the Spanish versions and one critical error in translation was discovered.

⁷ Eleven forms had no comparable English form so we could not compare one-third of the forms.

18 Hispanics & Probation Services: Some Preliminary Explorations

spelling errors. Among the approximately 8,312 words in all of the documents there were a total of 328 errors representing about 4% of the words. The largest number of errors in a single document was 93 and that document had 1,400 words (7% error rate). This suggests that the persons who prepared the documents did not know Spanish well enough to avoid spelling and punctuation errors. Further, the documents were not professionally proofread before they were printed.

The last criterion used to evaluate the quality of the Spanish documents was whether accents and other Spanish language characters were handwritten or typed. Only two of the thirty-one documents were prepared on a typewriter with Spanish characters. On the other hand, no Spanish characters were written in by hand on ten of the documents. The remaining nineteen documents had accents, tildes and other grammatical symbols handwritten on to the documents.

We conclude that the Spanish translations have some serious deficiencies. Clients are given documents that have varying degrees and kinds of errors. Documents that are visually, grammatically or typographically inferior do not inspire unqualified respect and are frequently taken as insulting. Although the effort to provide a Spanish translation may be recognized and appreciated, any appearance that the effort is inferior to the English originals gives the impression that working with Spanish speaking persons is somehow inferior to working with English speaking persons. This is a perception that, in all likelihood, is not intended. However, it can be avoided by producing Spanish documents of identical quality to the English originals.

We conclude further that the choice of documents to be translated into Spanish varies widely from county to county. Some of the high need counties translate certain documents while other high need counties do not. The same is true for the medium and low need counties. There may be some confusion and/or uncertainty as to which documents have the greatest need for translation. For example, since most Hispanic juveniles will speak English, should juvenile probation conditions be translated into Spanish just because they are Hispanic kids? The answer is probably no. However, it may be that in many cases the parents of the juveniles would require a Spanish version if they are to be effective participants in the process.

OTHER ISSUES

The last question of the survey asked whether the chiefs could identify other concerns related to the issue of Hispanic probationers. Three issues were raised.

First, one chief suggested that Hispanic-operated community resources should be identified and coordinated. Apparently some departments are not aware of Hispanic social service agencies or agencies with bilingual capacities and would benefit from some process of identifying and drawing upon them.

The second issue addressed the recruitment of Hispanic and Spanish-speaking personnel. This chief reported great frustration for having been unable to successfully recruit such staff. He recommended that the Administrative Office of the Courts provide assistance in recruiting bilingual and/or Hispanic probation officers.

The third comment recommended that "the cultural differences of Hispanic families should be the subject of a future training course." This respondent indicated that the primary problem was not language but culture and that persons not familiar with Hispanic culture are impeded in their ability to communicate effectively with Hispanics. Before we move on to our recommendations, we shall return to the example with which we began this report and illustrate this excellent suggestion in further detail.

THE CROSS-CULTURAL DIMENSION

We already observed on the first two pages of this report that the use of a prisoner to interpret for a presentence interview had three negative effects of its own: It seriously compromised the defendant's ability to freely and fully reply to questions; the quality of the translation was uncertain and the officer was led to draw erroneous inferences which were recorded in the presentence report. The first set of problems developed because of the language barrier and a questionable practice employed to overcome that barrier. The language barrier is an obstacle to effective communication which is probably obvious to all. However, it is not always as obvious that communicating effectively includes non-verbal

expressions and cultural values in addition to words.⁸ The second set of problems developed because the officer was apparently unaware of these non-verbal, cultural dimensions. The officer's ignorance of Hispanic cultural values also led to drawing false conclusions which resulted in a presentence report with statements quite unfair to the defendant. Here are three examples.

First, Hispanic males maintain a certain macho image to the public. However, in one-to-one situations the image frequently gives way to greater degrees of honesty with less need to maintain the image. In situations involving three or more persons, especially when the additional persons are male, the macho mask goes up in full force and emotions will not be shown. Since a male was present in addition to the interviewing officer, the defendant did not reveal his true feelings about the offense he had committed. The probation officer concluded that the defendant manifested no signs of contrition or remorse. While it was probably true that the defendant was not visibly remorseful to the interviewer, we will see later that in fact the defendant was quite remorseful.

The situation was more complex than this since the crime involved some extremely offensive sexual dimensions. The probation officer rightly sought signs of remorse given the tragic features

⁸ For further information of cross-cultural and non-verbal communication as well as the cross-cultural delivery of human services see the following: Joint Commission on Correctional Manpower and Training, Differences that make the difference (College Park, Md.: American Correctional Association, 1970); Conrad M. Arensberg and Arthur H. Niehoff, Introducing social change: a manual for Americans overseas (2nd ed.; Chicago Aldine, 1975); Felix J. Chaves, "Counseling offenders of Spanish heritage," Federal Probation, 1976, 40, 29-33; Edward T. Hall, The silent language (New York: Doubleday & Co., 1959); Hispanics: the anonymous prisoners, New Jersey Correctional Master Plan, Volume IV (Trenton: Department of Corrections, 1976), especially pp. 28-39.

of the crime. However, this added sexual dimension led the defendant to maintain the macho image even more firmly since the fellow male prisoner was present.

Was the defendant remorseful? When he discussed the offense with his bilingual, Hispanic attorney, he broke down and wept openly in shame, full of remorse. Yes, he was remorseful. The one-to-one dynamic in which he could fully communicate verbally and with no cross-cultural barriers permitted full honesty and expression of deep-felt remorse while the other dynamic had prevented it.

The probation officer concluded that the defendant manifested no signs of remorse and a statement to this effect appeared in the presentence report. Given the circumstances of this outrageous crime any judge would certainly hope to see such manifestations and, absent remorse, would view the defendant less compassionately and return a stiffer penalty.

The third and last example provided by this case is the Hispanic defendant's willingness to talk about his family. This is an area of great sensitivity among Hispanics. The officer inquired in some depth as to the man's support of his family. He balked at answering this very sensitive question. The officer wrote in the report, "He's very evasive when asked about his family." Evasiveness is not a positive attribute and this also contributes to prejudicing the report's reader against the defendant. The truth, however, was that the man had been contributing financial support to his family and had hid this from the probation officer because of the cultural dynamics of this interview.

It is clear that the officer's unawareness of these three cultural dimensions led to reporting several factually inaccurate statements about the defendant. In addition, the actual inaccuracies may have been quite detrimental to the defendant at sentencing.⁹ This issue has been recognized by the Supreme Court which observed that the worth of presentence reports, "so long as they are accurate, is beyond question; if inaccurate their harm may be incalculable." State v. Kunz, 55 N.J. 128, 132 (1969).

Given the linguistic and cultural obstacles and given the sensitive and confidential nature of the presentence report as well as many other investigative reports conducted by probation (e.g., predisposition reports for juveniles, custody investigations, etc.) one must wonder how accurate and perceptive a report may be when the interview is conducted through an interpreter. If the cultural signals are missed, if subtleties in language are lost, then the ability to make professional assessments of character, personality, motivation and the like is seriously hampered. The chief who recommended training in Hispanic culture has been fully borne out by this discussion.

RECOMMENDATIONS

Administrative Office of the Courts (A.O.C.)

1. The Assistant Director for Probation should prepare and distribute a memorandum to all chief probation officers indicating the

⁹ Pursuant to the provisions of law the defense attorney did review the presentence report and brought these concerns to the attention of the probation department prior to sentencing. Since the outcome of those discussions is not relevant to the points we are making here we will not report them because of their sensitive nature and the extensive internal dispute that resulted.

existence, appropriateness and procedure for using the bilingual title. The names and telephone numbers of the appropriate Civil Service personnel should be included.

2. The personnel office of the A.O.C., the EEO/AA officer of the A.O.C. and the EEO/AA office of the Department of Civil Service should provide concrete assistance to county probation departments in recruiting bilingual/bicultural staff. This should include at least the following: Training departments in successful recruiting strategies; identifying resources for recruiting; and, referring potential candidates.
3. The Probation Training section of the A.O.C. should provide training in cross-cultural and non-verbal dimensions of service delivery generally and with respect to Hispanic cultures specifically. Training should be provided for two groups: (1) Line officers, emphasizing language problems and interviewing skills; and, (2) supervisors, emphasizing guaranteeing that officers with skills work effectively with clients who require those skills. Assistance for such training should be sought from groups such as the Coalition for Hispanic Rights in Criminal Justice, the Puerto Rican Congress, the Hispanic Bar Association, the Hispanic Law Enforcement Society of Essex County, the Hispanic Association of Higher Education of New Jersey, the Hispanic Team in the Department of Corrections, the New Jersey Association of Hispanic Human Service Professionals, the Office of Hispanic Affairs in the Department of Community Affairs, the Hispanic Health & Mental Health Association of Southern New Jersey, the New Jersey Hispanic Commission on Alcoholism and similar Hispanic groups.

4. The A.O.C. should facilitate professional growth and support of staff working in bilingual/bicultural contexts through ongoing training, staff meetings and policy discussions. Given the low priorities of these concerns this format would encourage staff who are frequently isolated and have little internal or external support.
5. The A.O.C. should review county policies, procedures and personnel six months after the publication of this report to evaluate progress on the recommendations. A report on same should be submitted to the Administrative Director for review and subsequent action.
6. The A.O.C. should provide whatever technical assistance and support services the counties need in view of the recommendations made for the counties (e.g., development of written policies and standard examinations to assess language competence of staff not in the bilingual title).
7. Standards for language competence should be established and the skills of all staff who claim ability to read, write and/or speak Spanish or any other language should be tested in order to verify the language tools officers actually possess. All existing staff who claim such skills should be examined by December 31, 1982 and all new probation staff should be examined within one month of entry into the probation service.

Supreme Court Task Force on Interpreter and Translation Services

8. This Task Force should develop a recommended procedure for review, evaluation and approval of all Spanish translations of probation documents. The objective of any proposal should

be to ensure the publication of Spanish documents of a quality equal to that of English documents.

9. This Task Force should investigate the needs for interpreters and/or bilingual staff in the probation service and develop, with the input and participation of the counties (see recommendation #11), a recommended set of policies and standards governing the deployment of probation staff and resources in situations where clients or the public do not communicate effectively in English.

County Probation Departments

10. Each department should establish a formal structure (e.g., committee in the counties with greater needs) to ensure ongoing review of the department's needs for bilingual/bicultural service as well as evaluation of the department's response to those needs. This review should include: (a) assessment of staff skills for dealing effectively in cross-cultural contexts; (b) documentation of the demand for such skills presented by clients, the courts and the public; and, (c) identification of the resources available in the community for bilingual/bicultural services.
11. Each department should develop, implement, monitor and regularly review written policy governing all cross-cultural situations, especially all interviews and reporting sessions where professional assumptions and inferences about human behavior will be drawn. These standards should assure that no prisoner or probationer is ever used as interpreter and provide guidelines for using other interpreters when absolutely necessary. These

policies should be submitted to the Supreme Court Task Force on Interpreter and Translation Services by October 1, 1982 (see recommendation #9).

12. Each county, with the possible exception of the negligible need counties, should ensure the presence of bilingual probation officers commensurate with the probationer population. The bilingual title should be used whenever possible to guarantee that these officers have the relevant skills.
13. Essex and Hudson Counties should immediately establish the bilingual title, recruit staff and fill the title for two or more positions.
14. Passaic County should add at least one and perhaps more persons to their cadre of bilingual probation officers.
15. All counties, with the possible exception of the counties classified as having negligible needs, should have the bilingual title created for future use.
16. When existing probation officer slots become vacant those positions should be abolished and replaced by bilingual probation officer titles to the degree necessary for each county to ensure that the percentage of needed bilingual officers is attained.
17. Within six months of the publication of this report each county probation department should prepare and submit to the A.O.C. written policy and procedures for (1) handling all situations in which the department is confronted with a client who does not speak effective English and (2) preparing Spanish versions of probation documents. Each department should also set forth its plan for establishing the bilingual title.

Appendix A

Administrative Office of the Courts

PROBATION SERVICES FOR HISPANICS IN NEW JERSEY

I. PERSONNEL (Probation Officer--Bilingual)

A. Has your department ever called for a Civil Service examination for the title, "Probation Officer--Bilingual" (Spanish-English)? Yes ___ No ___

B. IF YES (Skip to I. C. if you checked "No")

1. On what dates was the exam scheduled? Please list dates.

2. How many persons have ever been hired under this title? ___

3. How many persons are presently employed under this title? ___

C. IF NO

1. Were you aware that this title exists? Yes ___ No ___

2. To what degree is there a need for this title in your county? Please discuss briefly. _____

3. Would you like more information about this title? Yes ___ No ___

II. PROBATION DOCUMENTS IN SPANISH

A. Adult standard conditions

1. Before the A.O.C. issued the Spanish version under the new criminal code earlier this year, had your department ever prepared a Spanish version of the adult standard conditions? Yes ___ No ___

2. IF YES, please attach a copy (if still available) of the Spanish version to this questionnaire.

B. Juvenile standard conditions

1. Has your department ever prepared a Spanish version of the standard probation conditions for juveniles? Yes ___ No ___

2. IF YES, please attach a copy of the Spanish version to this questionnaire.

C. Other probation documents

1. Has your department ever prepared a Spanish version of any other probation document(s)? Yes ___ No ___

2. IF YES, please attach a copy of each Spanish version and a copy of the English version to this questionnaire.

(OVER)

III. When an officer/clerk in your department is confronted with a client who speaks Spanish only...

A. Is there written policy pertaining to such situations? Yes ___ No ___

B. IF YES, please send us a copy of the policy statement.

C. Is there implicit/verbal policy that applies to such situations? Yes ___ No ___

D. IF YES, please describe this implicit/verbal policy.

E. If the answers to A & C are "No", please describe the course of action that is generally pursued by the officer/clerk.

IV. Please discuss/bring to our attention any other issues/matters pertaining to this area of interest that can clarify our understanding of the current status of probation services for Hispanics in New Jersey or point in the direction of ameliorative actions that are desirable.

 Name Date Telephone Number

Appendix B

NEW JERSEY HISPANIC POPULATION

1980 CENSUS

COUNTY	TOTAL POPULATION	HISPANIC POPULATION	% HISPANIC
Atlantic	194,119	7,590	3.9
Bergen	845,385	28,514	3.4
Burlington	362,542	8,658	2.4
Camden	471,650	20,626	4.4
Cape May	82,266	1,190	1.4
Cumberland	132,866	12,525	9.4
Essex	850,451	76,568	9.0
Gloucester	199,917	2,407	1.2
Hudson	556,972	145,163	26.1
Hunterdon	87,361	908	1.0
Mercer	307,863	10,580	3.4
Middlesex	595,893	34,138	5.6
Monmouth	503,173	12,915	2.6
Morris	407,630	10,952	2.7
Ocean	346,038	8,444	2.4
Passaic	447,585	62,123	13.9
Salem	64,676	1,005	1.6
Somerset	203,129	4,080	2.0
Sussex	116,119	1,764	1.5
Union	504,094	40,756	8.1
Warren	84,429	961	1.1
TOTAL	7,364,158	491,867	6.7

SOURCE: New Jersey 1980 Census Counts of Population of Race and Spanish Origin. Dept. of Labor & Industry, Division of Planning & Research, Office of Demographic and Economic Analysis. March 1981.

NEW JERSEY MUNICIPALITIES

WITH A HISPANIC POPULATION OF 10.0% OR MORE

Municipality	Total Pop.	Hispanic Pop.	% Hispanic
ATLANTIC COUNTY			
Egg Harbor City	4,618	716	15.5
Mullica Township	5,243	706	13.5
[Atlantic City	40,199	2,323	5.8]
BERGEN COUNTY			
[Englewood City	23,701	2,076	8.8]
Hackensack City	36,039	3,741	10.4
BURLINGTON COUNTY			
[New Hanover Township	14,258	1,376	9.7]
Wrightstown Borough	3,031	337	11.1
CAMDEN COUNTY			
Camden City	84,910	16,308	19.2
CAPE MAY COUNTY			
Woodbine Borough	2,809	462	16.4
CUMBERLAND COUNTY			
Vineland City	53,753	9,804	18.2
ESSEX COUNTY			
[Irvington Town	61,493	5,181	8.4]
Newark City	329,248	61,254	18.6
GLOUCESTER COUNTY			
None			
HUDSON COUNTY			
East Newark Borough	1,923	480	25.0
Guttenberg Town	7,340	1,878	25.6
Harrison Town	12,242	2,515	20.5
Hoboken City	42,460	17,074	40.2
Jersey City	223,532	41,672	18.6
North Bergen Township	47,019	9,472	20.1
Union City	55,593	35,525	63.9
Weehawken Township	13,168	4,621	35.1
West New York Town	39,194	24,735	63.1

Municipality	Total Pop.	Hispanic Pop.	% Hispanic
HUNTERDON COUNTY			
None			
MERCER COUNTY			
[Trenton City	92,124	7,360	8.0]
MIDDLESEX COUNTY			
New Brunswick City	41,442	4,883	11.8
Perth Amboy City	38,951	15,841	40.7
MONMOUTH COUNTY			
[Long Branch City	29,819	2,617	8.8]
MORRIS COUNTY			
Dover Town	14,681	3,917	26.7
OCEAN COUNTY			
[Lakewood Township	38,464	3,252	8.5]
[South Toms River Bor.	3,954	292	7.4]
PASSAIC COUNTY			
Passaic City	52,463	17,933	34.2
Paterson City	137,970	39,650	28.7
SALEM COUNTY			
None			
SOMERSET COUNTY			
None			
SUSSEX COUNTY			
None			
UNION COUNTY			
Elizabeth City	106,201	28,305	26.7
[Plainfield City	45,555	3,291	7.2]
WARREN COUNTY			
None			

SOURCE: New Jersey 1980 Census Counts of Population of Race and Spanish Origin. Dept. of Labor & Industry, Division of Planning & Research, Office of Demographic and Economic Analysis. March 1981.

Appendix C

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RESPONSES FROM CHIEF PROBATION OFFICERS

One of the main purposes of publishing this report was to stimulate dialog and policy development vis-a-vis the needs Hispanics present to probation services. It should be viewed as a beginning, not as a finished product (note, for example, the subtitle of the report, "Some Preliminary Explorations").

This report was distributed to the Chief Probation Officers for review and comment prior to publication. It is clear that the dialog has begun. They have raised numerous additional issues that require serious attention if we are to develop a comprehensive policy in this area. Further, the Chiefs provide new information on some affirmative developments that show some progress has already been made since the research was conducted.

We are grateful to these Chiefs who responded to our invitation and have also given permission to include their responses in this appendix.



Camden County Preceding page blank

327-329 Market Street, P.O. Box 1928, Camden, New Jersey 08101

PROBATION DEPARTMENT

KENNETH E. SPAAR
Chief Probation Officer

Memo 6 - 82

March 15, 1982

To: Harvey M. Goldstein, Probation Administrative Management System

From: Kenneth E. Spaar, Chief Probation Officer *KES*

Re: Report on Hispanics and the Probation Service

I would like to make the following remarks concerning the recommendation in your report of February 16, 1982, on Hispanics and the Probation Service:

Before the A.O.C. proceeds any further, Civil Service should be contacted and an understanding be reached concerning the difference between the bi-lingual variance and the interpreter variance. According to the Civil Service Office in Camden, the bi-lingual variance is to be used when a Spanish speaking employee translates for himself/herself i.e. a receptionist or an investigator conducting an interview. When a Spanish speaking employee translates for a third party i.e. a Spanish speaking employee translates a witness's testimony for the Judge, jury, etc. or if a probation officer translates for another probation officer, then the employee who does the translating must have the interpreter variance. The difference between the two variances, bi-lingual and interpreter is one of degree. The interpreter has to have a more thorough knowledge of the language.

If we just use the bi-lingual variance, then we would have to put all of our Hispanics in a caseload supervised by a probation officer, bi-lingual and all pre-sentences on Hispanics would have to be conducted by a probation officer, bi-lingual because these officers could not translate for anyone else.

I am opposed to setting up separate caseloads based on language or culture. After all, we could make a good case that since there are cultural differences between blacks and whites. We should have black officers supervising blacks and white officers supervising whites. Incidentally, this was the case when I first started in Parole, 27 years ago. I think we should all be opposed to treating blacks or Hispanics separately from white probationers.

Memo 6-82 (continued)

H. Goldstein

March 15, 1982

Because of the distinction between the bi-lingual and interpreter variances, I recently had the Board of Freeholders approve of a new title for the Camden County Probation Department that of Investigator, interpreter. I presently have three (3) hispanic investigators, two of whom have the bi-lingual variance. Now I will be able to hire an interpreter who can interpret for third parties as I indicated above.

I think your study should look at the total number of Spanish speaking employees in a department rather than just probation officers. In addition to the above three hispanic investigators, I have five (5) clerical workers with the bi-lingual variance. I feel that I am providing adequate service to the Spanish-speaking population with these employees plus the four probation officers, including one Hispanic, who can speak Spanish.

As far as recruitment of Hispanics is concerned, I do not see how the A.O.C. can be of help. True, recruiting is a problem. I have found that organizations, especially Hispanic organizations are not very helpful. In fact, a local Hispanic organization last year hired one of my bi-lingual clerk transcribers. I have found that the best recruiting sources of Hispanics are the Hispanics already on my payroll. They refer their friends and relatives. No one else makes referrals to me. Evidentially, everyone is looking for good Hispanic employees themselves.

I think that the one area where the A.O.C. could render assistance to the County Probation Departments would be in training. I think that all probation officers should receive training and education in Hispanic culture.

KES:jas

ESSEX COUNTY PROBATION DEPARTMENT

ESSEX COUNTY COURTS BUILDING

NEWARK, N. J. 07102

Telephone: (201) 961-7365

PATRICK P. TOSCANO
Chief Probation Officer

March 3, 1982

Mr. Harvey M. Goldstein, Chief
Probation Administrative Management System
Administrative Office of the Courts
State House Annex
Trenton, New Jersey CN 037 08625

Subject: Report on Hispanics and the Probation Service

Dear Mr. Goldstein:

I have read with interest your preliminary draft entitled, "Hispanics and Probation Services: Some Preliminary Explorations."

As you may know, the Essex County Probation Department has had, over the years, a number of probation officers of Hispanic origin handling and processing clients with language communication problems. At the present time we have a probation officer of Hispanic origin who receives all cases requiring bilingual services. The caseload for this officer remains fairly constant at 75 - 80 probationers. In addition to this officer there are four other members of the professional staff who are fluent in Spanish and who assist on occasion in dealing with our Hispanic clients.

We are not having any unusual difficulty at the present time in providing services to our Hispanic population. It is probable that the difficulties that formerly existed in this area have leveled off in Essex County. However, and particularly because of the demographic shifts, the need for a bilingual service may again develop and, accordingly, I shall keep you apprised. As conditions develop in this area, I shall write you and inform you of those circumstances.

I appreciate your interest and assistance and I want to

March 3, 1982

Re: Report on Hispanics and the Probation Service

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assure you that I will cooperate fully with this project.

Very truly yours,

Patrick P. Toscano
PATRICK P. TOSCANO
CHIEF PROBATION OFFICER

blt



COUNTY OF GLOUCESTER
STATE OF NEW JERSEY

PROBATION DEPARTMENT

P. O. BOX 638

WOODBURY, NEW JERSEY 08096

NORMAN L. HELBER
CHIEF PROBATION OFFICER

845-1600
AREA CODE 609

February 26, 1982

Harvey Goldstein
Administrative Office of the Courts
120 West State Street
CN-037
Trenton, NJ 08625

Dear Harvey:

Read with interest the treatment of Hispanics. Without boring you with a lot of detail, I'll state a few observations.

Titles such as PO-Bilingual are better than nothing but really don't answer the need. The need is for officers who can communicate and respond. As long as we live from Civil Service lists we will be hiring those who can do well on exams or are veterans. Bilingual does not mean that the individual understands any of the differences between culture or has any idea what the concept of culture is in the first place. Of course we now hire English speaking PO's who are not suited to be PO's. Wouldn't aptitude testing have more merit than intelligence in these titles. But as they say about the French....as long as you pronounce it right.

Our present bilingual title is filled with a blue-eyed blonde who happened to major in Spanish. Real Bilingual/Bicultural Hispanics seem to have the same difficulties with Civil Service exams that the Blacks experience.

Do the statistics show that a male Hispanic will respond differently to a female PO Bilingual than he would to a male PO Bilingual. There sure are a lot of possibilities.

Don't be too rough on errors in the Spanish documents (Exec. Summary #6) lest someone respond: Perhaps whoever prepared your document did not know English well enough to produce English documents of the same

Perhaps this study should result in a sharing of information as stated in Recommendation #1 without getting as legalistic as #5, 7, 10, 11, etc., etc. Good management often depends on a careful analysis of the external and internal local environments.

Harvey Goldstein

- 2 -

February 26, 1982

By the way, I read with interest the percentage of Hispanics in all the counties. What percentage of them in Gloucester County are not fluent in English compared to the same in Hudson County?

Will look forward to discussing this with you in detail. Keep up the good work.

Very truly yours,

Norman L. Helber
Norman L. Helber
Chief Probation Officer

NLH:jeb

HUDSON COUNTY PROBATION DEPARTMENT

ROOM 202, ADMINISTRATION BLDG.

595 NEWARK AVENUE

JERSEY CITY, N.J. 07306



WILLIAM E. HYLER
CHIEF PROBATION OFFICER

WALTER F. HOPKINS
ASSISTANT CHIEF PROBATION OFFICER

ADDRESS ANSWER TO THE ATTENTION OF
THE SIGNER AND REFER TO FILE NUMBER

February 25, 1982

Mr. Harvey M. Goldstein, Chief
Probation Administrative Management System
Administrative Office of the Courts
State House Annex, C.N. 037
Trenton, N.J. 08625

Re: Report on Hispanics and the
Probation Service

Dear Harvey:

I read with interest the report of February 16, 1982 concerning the above subject.

While we in Hudson County have not specifically requested a probation officers test for Spanish speaking individuals, we have been actively recruiting individuals from the Hispanic community in all job titles within the department.

As you will note, at the time the initial survey was taken, Hudson County reported three (3) Spanish speaking probation officers. Since the initial survey, we now have seven (7) bilingual probation officers.

In addition, we have hired five (5) Hispanic investigators, six (6) clerical workers, and one Hispanic accountant as employees of the department.

I must admit, however, that requesting an exam specifically for bilingual probation officers, especially in Hudson County, has great merit.

I shall take the matter up with the Assignment Judge and report back to you as soon as possible.

Yours very truly,

William E. Hyler
WILLIAM E. HYLER
Chief Probation Officer

WEH:jz

PROBATION DEPARTMENT

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COUNTY OF HUNTERDON
ADMINISTRATION BLDG., 3RD FLOOR
P. O. BOX 1009 FLEMINGTON, N. J. 08822

TELEPHONE: (201)788-1155

MEMORANDUM

TO: Harvey M. Goldstein, Chief
Probation Administrative Management System

FROM: John Higgins,
Chief Probation Officer *[Signature]*

DATE: March 4, 1982

RE: Report on Hispanics and the Probation Service

I have reviewed the preliminary draft of the report and concur with most of the recommendations incorporated therein.

I am particularly supportive of the training of Probation Officers with regard to the cultural differences and feel that all officers could benefit from this. Realistically, I do not believe that many of our Probation Officers would be that interested in attending such a program.

The statistics contained in the report indicated that Hunterdon County contains 908 Hispanic persons. I found that figure high but it was confirmed by the County Planning Board based upon the 1980 census figures. There are only four Hispanic persons under probation and all four of those individuals were transferred to other counties for courtesy supervision.

I wonder if for a smaller, more rural county like ours and Warren, it might not be more appropriate to consider regionalization of special services for the Hispanics, services such as a list of reputable interpreters, a list of community service agencies for Hispanics, etc.

The concern for Hispanics is just and should be given all due consideration but all persons on probation are of a minority. Many of them are emotionally disturbed, drug or alcohol dependent and educationally deprived. All of them need and should be entitled to specialized services but in this particular county, emphasis for services should be on employment counseling, drug and alcohol counseling and dealing with the problems of the white/lower middle class who find fewer and fewer resources available to them.

JH:hs

MIDDLESEX COUNTY PROBATION DEPARTMENT

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March 2, 1982

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In reply refer to
Branch Office, if checked

Mr. Harvey M. Goldstein, Chief
Probation Administrative Management System
Administrative Office of the Courts
State House Annex
CN-037
Trenton, N. J. 08625

RE: REPORT ON HISPANICS AND THE
PROBATION SERVICE

Dear Harvey:

I reviewed the preliminary document on the Hispanics and the Probation Service and generally find it to be a good one. However, the following paragraphs will include some recommendations and some observations.

The document fails to cover the establishment and recruitment of Bilinguals in the paraprofessional Investigator titles. There is a need in Middlesex County for Bilingual Investigators as well as a need for Bilingual Probation Officers. In this county, and I assume many others, the Bail/ROR function is handled under probation auspices. Investigators are used quite extensively in this effort. We also utilize Investigators in the presentence process, the Pretrial Intervention process, and in Family Division cases. I would recommend that the document be expanded to include a needs assessment and guidelines for paraprofessional personnel.

In our limited experience with Bilingual Probation Officers, it has come to light recently that we have not addressed the problem of the promotional ladder as concerns these Bilingual officers. Should promotional exams be Bilingual in nature? How far can we go in utilizing the Bilingual approach to the career ladder? Can we designate a supervisory position as Bilingual? All these questions should be answered and perhaps some others that I have not anticipated.

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March 2, 1982

To: Mr. Harvey M. Goldstein, Chief

RE: REPORT ON HISPANICS AND THE PROBATION SERVICE

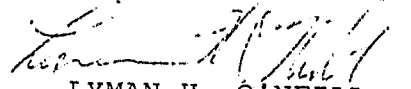
One of the supervisors recently noted that Civil Service testing has been somewhat deficient in the Bilingual area. One of our Bilingual employees is very competent in Spanish, however, his competence in English, especially spoken English, leaves much to be desired. Civil Service should insure that the person is competent in both languages.

Although I agree that a Supreme Court Task Force on this subject is needed, I fear that such a Task Force would be largely comprised of judges and, such, will gear its efforts mainly to court needs. If such a Task Force is established, I would recommend that it be comprised of subdivisions that relate to total court needs including probation. As such, a subcommittee on probation needs could be established as a part of the main committee and should be well represented in its composition by probation professionals.

As an observation, this document is critical of local probation departments and justifiably so. However, the Administrative Office of the Courts should take some responsibility and admit its own negligence in this area.

Hoping the preceding proves somewhat helpful, I remain

Very truly yours,



LYMAN H. O'NEILL,
CHIEF PROBATION OFFICER

LHO:jmh

cc: Mr. Fred D. Fant
Assistant Director

END