

# **The New North Carolinians: Doing Justice for All in the Criminal Justice System**

*Providing Services to a Rising Hispanic and Latino Population in North Carolina*

North Carolina Governor's Crime Commission

North Carolina Criminal Justice Analysis Center

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# Table of Contents

Executive Summary	1
Study Rational	2
Methodology	3
Survey Instrument	3
Survey Sample	3
Response	3
North Carolina’s Hispanic/Latino Demographic Trends	4
The Rise of an Ethnic Group	4
What is Title VI?	6
The Survey Tool and Responses	7
Types of Agencies Responding	7
Prevalence of Hispanic/Latino contact with the criminal justice system	8
Are agencies responding with bilingual English/Spanish Employees?	8
Responding to LEP regardless of the number of bilingual employees	9
Agencies Seeking Bilingual Employees	10
Understanding Cultural Diversity	10
Special policies or programs for the Hispanic and Latino community	12
Issues other than culture and language	12
Recommendations for improving service delivery	12
Conclusions and Recommendations	14
Appendix A: Fact Sheet	17
Appendix B: North Carolina’s 2000 Hispanic population by county	19
Appendix C: US DOJ Overview of reasonable LEP expectations	21
References	27

## **Table of Tables, Charts and Maps**

Table 1:	Counties Meeting Inclusion Criteria for Study	5
Table 2:	Types of Agencies Responding	7
Table 3:	Obstacles in Hiring Bilingual	10
Table 4:	Local Criminal Justice Outreach Programs	12
Chart 1:	Contact with Criminal Justice System and Language Difficulties	8
Chart 2:	Providing Interpreters for LEP Individuals	9
Chart 3:	Seeking Bilingual Employees	10
Chart 4:	Where Can Training be Obtained?	11
Chart 5:	Where Did Agency Employees Actually Obtain Training?	11
Map 1:	Counties Meeting Inclusion Criteria or Hispanic/Latino Study	5
Map 2:	Counties Represented in Survey Results	7
Map 3:	Aggregate 2005 Hispanic Population by State	13

## Executive Summary

The growth in North Carolina's Hispanic population has far outpaced projections from a decade ago. Reduced state and federal budgets towards criminal justice programs in the first five years of this decade and response to the incidents of September 11, 2001 have limited funding in criminal justice related programs. Even in robust economic times provision of equal criminal justice services to Limited English Proficiency (LEP) populations is difficult. However, since the LEP portion of our Hispanic and Latino population is rapidly increasing, services must be accessible for this group whenever it is reasonable. Reasonable, is a key term in the provision of services by agencies that receive federal funding, under Title VI of the 1964 Civil Rights Act. There are four guidelines presented by the United States Department of Justice to determine if it is reasonable to provide additional levels of services to an LEP population.

This study found that nearly all criminal justice agencies and practitioners surveyed have had contact with members of our Hispanic community and also people with limited or no English skills. Agencies and practitioners almost uniformly understand the need for bilingual employees and cultural diversity training. Overcoming culturally learned fears of criminal justice systems in their native countries should be a goal of Hispanic community groups and every criminal justice agency. Many agencies are active in community outreach to assist these new North Carolinians in understanding and trusting that our criminal justice system will be fair to everyone, thus encouraging a willingness to participate as witnesses or complainants when victimized. However, more still needs to be done. The rapid growth of this group has provided a challenge for criminal justice service providers in traditionally larger populated jurisdictions as well as some of our state's smaller communities.

From a state perspective, much can be done to ensure the state and local criminal justice agencies and non-profit service providers receiving federal and state funds understand how to determine their requirements under Title VI. Standardization of cultural diversity training for law enforcement personnel can go a long way in improving frontline communications with this emerging population. Likewise, ensuring that the translator program of the Administrative Office of the Courts is fully funded should be a priority of the General Assembly. Several other recommendations of this study focus on informing the Hispanic and Latino people of criminal justice services that may offer some help to them and to better prepare our criminal justice agencies for future growth in this demographic group. The Department of Correction will experience greater need for bilingual employees in prisons and in community corrections along with bilingual probation officers as more members of the Hispanic population fall under their supervision.

Studies have shown there is a tremendous positive economic impact derived from this population and that it will continue to grow. The goal of this study is to focus attention on accepting that the face of North Carolina is changing and that a substantial number of our population has moved here from non-English speaking countries where there is little faith in law enforcement, courts and corrections. Much can be done to ensure that our criminal justice system is doing its best to meet the needs of all without regard to English proficiency or national origin.

## Study Rationale

Previous studies conducted by the North Carolina Criminal Justice Analysis Center of the Governor's Crime Commission relating to our state's Hispanic/Latino population have focused on such trends as Hispanic/Latino victims of crime, associations with criminal gangs and perceptions of crimes affecting this population. Our 1998 study on Hispanic Crime and Victimization in North Carolina (SaytemStats, Fall 1998) utilized United States Census Bureau estimates and projections that do not reflect the reality of North Carolina's current Hispanic/Latino population. During our 2005 study on the nature and scope of Hispanic/Latino gang involvement, it became apparent that this population had rapidly exceeded growth projections. These projections for growth in North Carolina's Hispanic/Latino community were, in our estimation, grossly under predicted. Understanding how the criminal justice system could have been prepared for the demand for bilingual and culturally sensitive employees in all segments of the system became an important question. There are multiple cultures represented in the Hispanic/Latino community from the Caribbean Basin, Honduran, Belizean, Mexican and Costa Rican just to name a few. Respecting and understanding this diversity can also be a challenge to criminal justice agencies.

This study will provide a broad understanding of the potential impact of providing criminal justice services to this population in North Carolina, from initial point of contact with law enforcement through court contact and finally corrections. This is not an economic impact study; however, there is significant

economic impact associated with the system needs addressed in this study.

While a significant study entitled **The Economic Impact of the Hispanic Population on the State of North Carolina** was published in January 2006 by the Kenan-Flagler Business School at the University of North Carolina, researchers used corrections as the only economic costs within the criminal justice system associated with service provision. The criminal justice system works much like a funnel where law enforcement contacts many, some may be arrested and appear before magistrates a portion of those are sent to jail. Many of those who come in contact with law enforcement must pay fines to the Clerks of Superior Court. An even fewer will eventually be assigned public defenders and district attorneys will have to prepare for language barriers as will judges who must ensure fair access as it relates to language. Lastly, there are corrections costs for both community-based correctional programs and incarceration. The total of Hispanic/Latino people that come in contact with the criminal justice system dwindles to only 5.2 percent of Department of Correction managed individuals, (probation, parole, and incarceration) which is less than this group's estimated 7 percent of the state population. However, the need to limit language barriers and ensure cultural understanding is present at each stage.

This system impact assessment is designed to provide insight as to where our state's criminal justice system is in providing equal language access and where there are needs to provide more effective criminal justice services to the Hispanic/Latino community. Additionally, the impact of Title VI of the 1964 Civil Rights Act will also be addressed.

## Methodology

### *Survey Instrument*

A 13 question survey was designed to assess the impact that the rapidly growing Hispanic and Latino populations pose on North Carolina's criminal justice related agencies' ability to provide services. Questions addressed such issues as the presence of Hispanic peoples in the respondents' jurisdictions, the number of employees working at the agency that are fluent in Spanish, and the obstacles encountered in attaining employees who are both fluent in Spanish and have an understanding of the cultural diversities among the Hispanic community. Special emphasis was placed on trying to ascertain whether or not the respondents' respective agencies were prepared to provide services, cultural understanding, and overcome language barriers for the Hispanic population and, if so, to determine in what capacity they were able to do so.

A pilot of this survey was initially administered by phone comprising 70 of the total 174 responses. However, in order to reduce the likelihood of "dirty data" and facilitate a greater response rate the survey tool was converted into an online survey that respondents could easily access and complete from any Internet capable computer, and a broader sample of criminal justice agencies was selected.

### *Survey Sample*

Three distinct samples were drawn from 100 counties in North Carolina based on the percentage change in Hispanic population from 1990 to 2004 as derived from the latest Census Bureau data. Twenty-eight counties which were reported as having a 5 percent change or

greater in their Hispanic population were chosen. An additional 10 counties were also selected for inclusion within this sample because, while they had less than a 5 percent growth, they represented the counties having the greatest aggregate Hispanic populations. The third sample was composed of 16 randomly selected counties taken from the remaining 62 counties.

A total of 226 letters were mailed to randomly chosen sheriffs, police chiefs, probation district managers, district attorneys, clerks, and magistrates in each of the 54 (out of 100) selected counties. There was no duplication of agencies included in the initial telephone survey and only one mailing was attempted. The 70 responses to the pilot survey were included in the study data.

### *Response*

Of the 226 letters mailed, 104 replied and fully completed the online survey. With the additional 70 completed in the telephone survey, there were 174 responses from criminal justice system agencies from 76 of the 100 counties in North Carolina. No response was received from two of the target counties.

## North Carolina's Hispanic/Latino Demographic Trends

There is no argument that North Carolina's Hispanic and Latino population is rising at a rapid pace, 48.2 percent between 2000 and 2005 (*Pew Hispanic Center*). Another striking reality is the rate of first generation Hispanic and Latino individuals who reside in the state. "First generation" refers to people born in countries other than the United States. This group is of primary importance because they may have limited proficiency in the English language and also may have customs and cultures that are significantly different than the majority. The rise in this population and the language and cultural challenges associated with it must be fairly responded to by criminal justice system agencies.

The Kenan-Flagler study offers two methods of predicting the current population of Hispanic/Latino people in North Carolina; one from the American Community Survey which estimates 506,206 in 2004 and their own that offers 600,913. They also provide an excellent breakdown of age groups and origin of the Hispanic/Latino people moving to the state. A third source of information to estimate this is the Census data which in 2004 projected the Hispanic/Latino population to be at nearly 365,000 in North Carolina. Lastly, the Pew Hispanic Center ranked North Carolina 13<sup>th</sup> in Hispanic population in 2005 with 544,470 as their population estimate. Though there are differences among the four, the Kenan-Flagler methodology would seem to have taken more variability into account such as live births from known health statistics to

the growth in the labor market including illegal immigrants and thus will be the source of this study's demographic portrayal. This population experienced a 27.5 percent increase between 1990 and 2004. Hispanic/Latinos now account for 7 percent of the state's population, but were only 1.1 percent in 1990. The Kenan-Flagler study further indicated that, "nearly half (45 percent) of North Carolina's Hispanic residents in 2004... did not have authorization." (p. ix)

### *The Rise of an Ethnic Group*

Hispanic/Latino refers to an ethnicity and individuals can be from any racial grouping. This would make the Census data less appropriate because respondents are offered various methods of describing themselves. It also refers to a group of people whose origin is from any of several Spanish speaking countries in Latin and South America and from the Caribbean basin. Hispanic tends to refer to being from a Spanish speaking background, while Latino refers to being from Latin America. For this study the inclusion of both Hispanic and Latino seeks to be more inclusive.

From 1970 through 2004 the estimated rise in North Carolina's Hispanic/Latino population was at least a 1,066 percent growth compared to a lower rate of 355 for the entire United States for the same years (Kenan-Flagler). North Carolina has been attributed with one of the highest per capita rates of first generation Hispanics and Latinos. The Kenan-Flagler study reports 38.2 percent of the new arrivals in the period of 1995 to 2004 came directly from other countries and of those 73 percent from Mexico. The Kenan-Flagler study provided an excellent geographic overview of which communities had experienced the largest impact in overall



population and population change. Their results were the same as those gathered by the Governor's Crime Commission using Census and community information.

For inclusion in this study, two criteria were used to identify counties for sampling based on their Hispanic/Latino population. The first criterion was greater than a five percent upward change in the Hispanic/Latino population as a proportion of the county's general population for the period of 1990 to 2004. The second criterion was counties where the absolute population of Hispanic/Latino persons exceeded 5,000 in 2004 estimates. Thus it is hoped that this study will provide a broad insight into the criminal justice system impact in both counties with large Hispanic/Latino populations as well as those that have been impacted with the greatest overall change in the dynamic of a changing face of a county's total population. Below is a table and map outlining the 38 counties that met the primary study constructs.

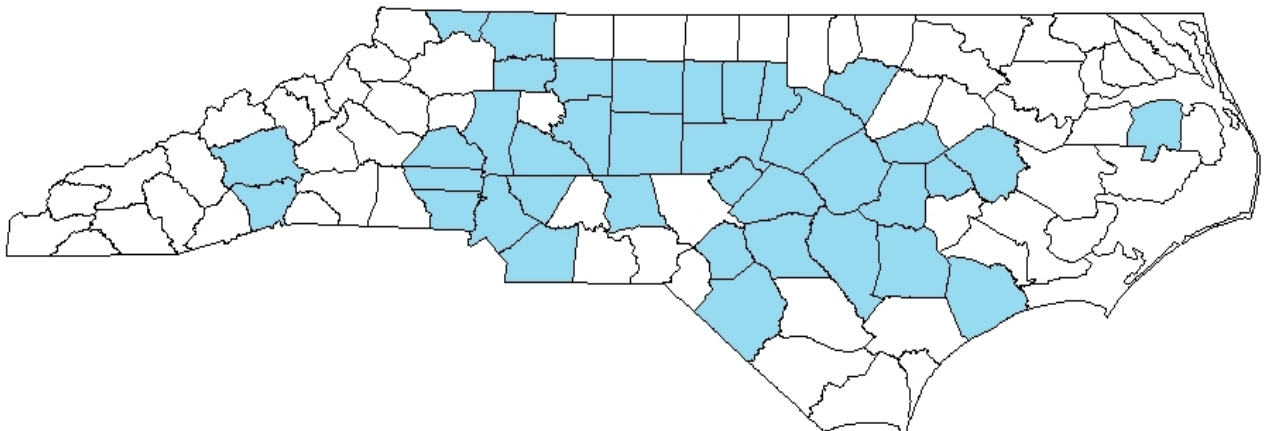
**Table 1: Counties Meeting Inclusion Criteria for Study**

*(1 = met criteria, 0 = did not meet criteria)*

NC Counties	5,000+	> .05	Both	NC Counties	5,000+	> .05	Both
Mecklenburg	1	1	1	Davidson	1	0	0
Wake	1	1	1	Rowan	1	0	0
Forsyth	1	1	1	Wayne	1	1	1
Durham	1	1	1	Henderson	1	1	1
Guilford	1	0	0	Lee	1	1	1
Cumberland	1	0	0	Chatham	1	1	1
Johnston	1	1	1	Iredell	1	0	0
Alamance	1	1	1	Orange	1	0	0
Union	1	1	1	Surry	1	1	1
Randolph	1	1	1	Wilson	1	1	1
Catawba	1	1	1	Pitt	1	0	0
Cabarrus	1	1	1	Lincoln	1	1	1
Onslow	1	0	0	Hoke	0	1	0
Duplin	1	1	1	Montgomery	0	1	0
Sampson	1	1	1	Franklin	0	1	0
Gaston	1	0	0	Yadkin	0	1	0
Robeson	1	1	1	Greene	0	1	0
Harnett	1	1	1	Tyrrell	0	1	0
Buncombe	1	0	0	Alleghany	0	1	0

**Map 1**

**Counties Meeting Inclusion Criteria for Hispanic/Latino Study**



## What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 that prohibits discrimination on the basis of national origin, among other things. In 2000, Executive Order 13166 was signed to enhance Title VI to ensure meaningful access for persons with limited English proficiency (LEP) to federally conducted and/or federally funded programs and activities. Agencies providing federal financial assistance must offer guidance on how Title VI could affect their programs.

For much of the criminal justice system, federal assistance to state and local communities is derived from the United States Department of Justice (DOJ). DOJ initially provided four key Title VI “reasonableness” factors that should be considered by agencies receiving federal funding.

1. **Number of people affected.** In determining reasonableness, the number or proportion of LEP persons in the population that the agency could encounter and thus, potentially might be excluded from the activity or service absent the removal of language barriers.
2. **Frequency of Contact.** If the number of contacts with LEP persons who speak a particular language is very small, fewer Title VI obligations may be imposed on recipients. Conversely, recipients that serve large LEP populations of the same language will need to implement more substantial measures to ensure that reasonable Title VI obligations are met.
3. **Nature and importance of service or information to the LEP population.** “Where the denial or delay of access may have life or death or other serious implications, the importance of the full and effective delivery of LEP

services is at its zenith.” (DOJ Clarifying Memorandum 10/26/2001)

4. **The resources available to the recipient of the federal funds.** DOJ acknowledges that smaller recipients with limited resources may not be held to the same standard for providing services or activities as larger, well funded recipient agencies. “Although on-the-premises translators may be needed in some circumstances, written translation, access to centralized interpreter language lines or other means, may be appropriate in others.” (DOJ Clarifying Memorandum 10/26/2001)

The DOJ refined these elements from an initial guideline by including the recognition that cost-effective delivery of services is an important variable. “Costs must be factored into this balancing test as part of the consideration of resources available.” The DOJ guideline further indicates that “reasonable steps” may not be reasonable in situations where the costs to provide available resources substantially exceed the benefits offered to the LEP population. This refinement, in effect, reaffirms that delivery of LEP services to “eliminate invidious discrimination” prohibited by Title VI and unjustified negative impact prohibited by the Title VI regulations is a subjective balancing act at best. However, it is a reasonable standard that agencies receiving federal DOJ monies must factor into their delivery of services or information to the population covered by the program.

## The Survey Tool and Responses

The survey questionnaire was designed to elicit information from multiple types of agencies. Therefore, questions were broad and offered flexibility for respondents. The three most significant issues were to determine if there was a shortfall in our criminal justice system's ability to provide services to the members of our state's Hispanic/Latino population that were LEP, if there is an attempt being made to make reasonable efforts to provide these services, and what are the obstacles preventing the provision of such services. Questions on demographics of the agency were also included as were a few open-ended questions allowing agency opinion on the topic. Responses to each question will be discussed followed by some multi-variant analysis allowing for a narrow view by agency type.

### *Types of Agencies Responding*

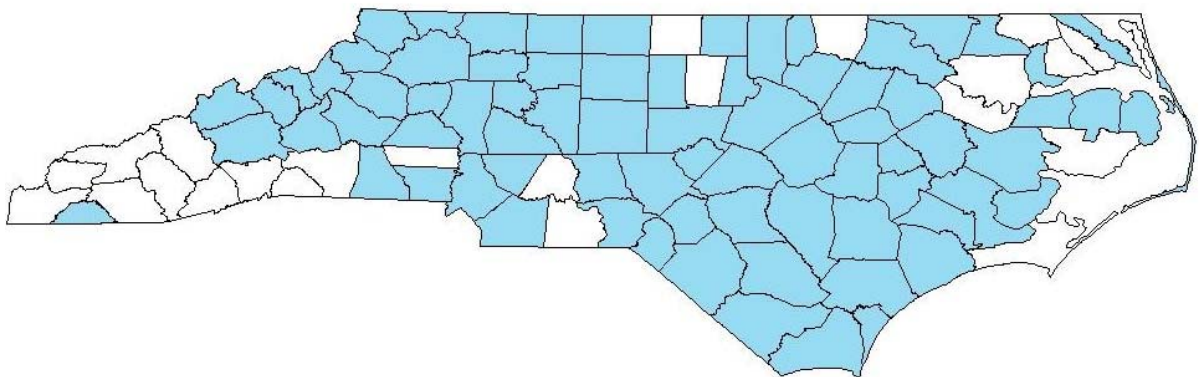
Following an outline of agencies that fell under the criteria determined for this study, 330 agencies were contacted either by telephone or via mail directing the respondent to a web-based survey. There were a total of 174 completed responses from 76 of North Carolina's 100 counties. There were two notable counties missing from our list of 38, Henderson and Orange counties. We determined not to make special additional attempts to garnish responses from these counties. Table two indicates the aggregate response by agency type and Map 2 illustrates the counties where at least one agency completed a survey.

**Table 2: Types of Agencies Responding**

Agency Type	Responses
Sheriffs Offices	<b>50</b>
Police Departments	<b>41</b>
Clerk Of Superior Court	<b>23</b>
Magistrate	<b>28</b>
Probation District Mgr.	<b>22</b>
District Attorney	<b>10</b>

### Map 2

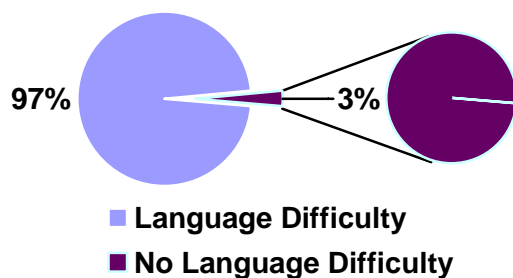
Counties Represented In Survey Results



### ***Prevalence of Hispanic/Latino contact with the criminal justice system***

To obtain a more clear understanding of what criminal justice agencies were facing in providing services to the Hispanic/Latino community, two questions were asked. The first was simply asking if the respondent or respondent agency had, in the course of service provision, come in contact with members of the Hispanic/Latino community. The second question solicited response if any of the contact with this population involved individuals with no or limited proficiency in the English language. The results, based on the demographic indicating that North Carolina's first generation Hispanic/Latino population rate was among the highest in the nation, was not astounding. Of the 174 responding, 173 (99.4 percent) had contact with members of this community. Additionally, as depicted in Chart 1, 168 (97 %) had experienced language difficulties.

**Chart 1: Contact with Criminal Justice System and Language Difficulties**



The difficulties with limited English proficiency are apparent from this sampling. Ninety-seven percent of respondents having contact also experienced at least one LEP individual. However, since no quantitative questions

on the number of such contacts over any selected time period were asked, the magnitude of difficulties in providing services can not be determined. A strong indication that LEP issues are present in contacts with the criminal justice system is apparent.

Based on these findings, the “reasonableness factors” outlined by the Department of Justice would have to be factored in by each agency and frequency of LEP needs. This study did not seek aggregate counts of contacts with Hispanic/Latinos or the frequency of LEP contacts because it was determined to be unlikely that agencies or criminal justice practitioners collected such data and any responses would be guesses or estimates at best.

### ***Are agencies responding with bilingual English/Spanish employees?***

Of the agencies responding, only 69 indicated they had employees fluent in Spanish, however, one had to be excluded due to a number deemed to be an outlier. Therefore, an accurate count of 68 (39 %) respondents is factored for these results. One respondent was unsure if there were any bilingual employees, one did not answer and the remaining 103 (59 %) had no bilingual employees. It must be remembered that many of the respondents work for statewide agencies and are responding for their office or district only.

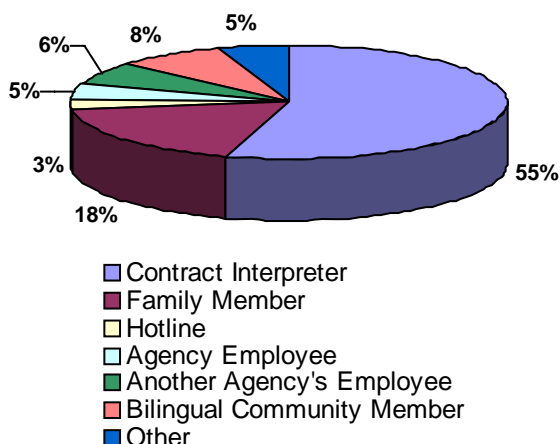
Of the 68 responding that they had bilingual employees, agencies in and around the Charlotte metropolitan area accounted for the largest response to LEP. The Metropolitan Police Department had 50 bilingual employees; Mecklenburg Sheriff's Office responded they had 20 bilingual employees, as did the Concord

Police Department. The Wake County Sheriff's Office indicated they had 19 bilingual employees. Agencies also indicating larger numbers of bilingual employees were Wilmington Police Department (15), Greensboro Police Department (12), and Hoke County Sheriff's Office (10). Each of these agencies, with the exception of the Wilmington Police Department located in New Hanover County, are located in counties that meet our inclusion criteria of percent increase or total Hispanic/Latino population.

### *Responding to LEP regardless of the number of bilingual employees*

When criminal justice agencies are confronted with LEP individuals, even if the agency has bilingual employees, they have standard methods for interpreting. The vast majority of these agencies have contractual arrangements with either a person or company to provide interpreter services. Family members of the LEP person are also used to a great extent. Chart 2 provides a breakdown of the seven categories provided for respondents to answer.

**Chart 2: Providing Interpreters for LEP Individuals**



This data indicates that criminal justice agencies have experienced LEP individuals and also have developed methods to respond to LEP when confronted with the issue. Again this brings into focus the “reasonableness factor” previously discussed. The data provided in this study was not designed to determine the extent of individual agency response to LEP or to cultural sensitivity, but rather to determine if addressing these issues was impacting the agencies of our state’s criminal justice system.

Of paramount concern should be the qualifications of the interpreter. The Administrative Office of the Courts currently budgets over \$2,000,000 per year to pay for court interpreters to assist in cases that involve LEP individuals. The standards placed on the interpreter’s skills are set rather high because of the precision needed to ensure the correct and complete interpretation of legal terms and issues. Consequences of poor interpretation of legal language or the precision of general concepts could be severe.

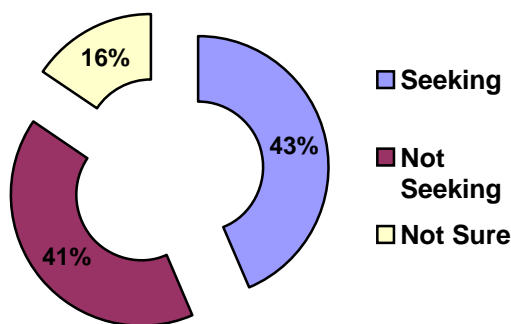
The quality of interpretative services received by an LEP individual, whether by a family member or a moderately proficient bilingual person provided by an agency, is a concern. This too should be one of the standards to be addressed when determining reasonable service provision by an agency. “Reasonable” should refer to an expectation that an LEP individual not only understands the meaning of the words but also the interpreter’s ability to communicate for them in English to law enforcement or courts. The standards for criminal justice system interpreters must be high because the consequences of a misunderstanding could be significant.



### *Agencies Seeking Bilingual Employees*

Of the 174 responses, 76 or 43.7 percent indicated they were actively seeking employees who had Spanish language skills. A nearly equal 40.8 percent said they were not actively seeking employees with bilingual skills. The remaining respondents were not sure if active recruitment of bilingual employees was a policy of their agency. See Chart 3.

**Chart 3: Seeking Bilingual Employees**



Impediments for agencies that wish to hire bilingual employees were narrowed down to five categories. Table 3 offers some insight into the problems involved in obtaining qualified bilingual employees.

**Table 3: Obstacles in Hiring Bilingual**

Response	Percent
Limited Resources of Agency	19.5%
No Qualified Applicants	40.2%
Competition with Larger Agencies of Private Sector	9.2%
Not Seeking Bilingual Employees	14.4%
Other	16.7%

It becomes apparent that even when agencies have a desire to hire employees with bi-lingual proficiency in English and Spanish, there are obstacles to obtaining such employees. These obstacles must

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also be a consideration when determining reasonableness to meeting Title VI standards. The cost of being competitive in the market to hire the limited number of qualified bilingual people in a community may place a strain on the resources of an agency. The responses seem to indicate that when resources are available, not enough qualified people apply or that there is competition with the private sector for these people.

### *Understanding Cultural Diversity*

While there is a need for people proficient in Spanish in most of our state's criminal justice agencies, a more pressing issue might be cultural awareness and understanding. With the multiple Hispanic/Latino cultures, simply being able to understand fears, perceptions, and concerns of Hispanic and Latino people may prove more valuable for the first line contact person. For example, a police officer who has some awareness to determine if a person being stopped is Mexican or Puerto Rican could provide a better interaction until and when an interpreter intervenes. The Hispanic/Latino person may then feel more at ease and provide more cooperation when they feel comfortable and respected by the first contact. One of the elements of many people of Hispanic descent is a lack of trust in the civil authorities. So, cultural awareness should become a paramount issue for our criminal justice agencies.

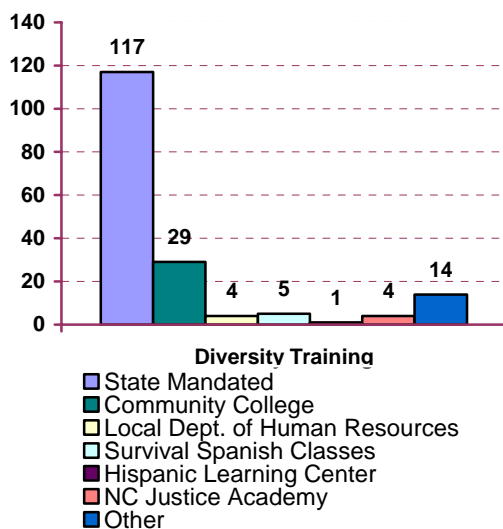
There were three questions that sought to determine if cultural diversity training was encouraged of employees, where such training is being offered, and if it were offered at little or no expense to the

agency, would the agency avail itself of such training programs?

The first of these questions asked if the agency encouraged employees to take cultural diversity training so they can be better aware of differences they may confront when encountering members of our state's Hispanic/Latino community. Of the 174 responses, 110 (63.2%) indicated that the agency did encourage such training. Forty-three (24.7%) indicated that such training was not actively encouraged.

Criminal justice agencies were also asked where such training was currently being offered within communities. Below are two charts that break down the knowledge of where programs are being offered and second where those agencies that indicated they were encouraging training actually obtained the training.

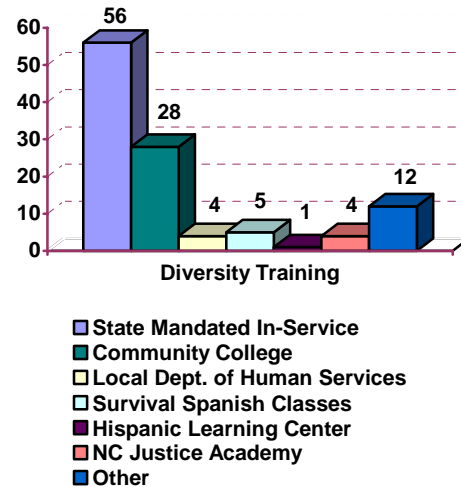
**Chart 4: Where Can Training be Obtained?**



Overwhelmingly, availability of diversity education was the state mandated in-service training and likely offered through standard departmental training or through

the local community college. Chart 5 depicts the actual location of training for agencies that sent personnel to diversity training.

**Chart 5: Where Did Agency Employees Actually Obtain Training?**



The perception of where cultural diversity awareness classes could be obtained and where agencies were actually receiving such training seemed to parallel. The indication is that if such training were available at little or no cost to the agency then it would be likely that agencies would avail themselves of such programs. The final question asked just that and the results were that of those responding, 71.6 percent indicated they would avail themselves of such training. Only 8.2 percent indicated that they would not seek cultural diversity training even if offered at little or no expense. The remainder (20.2%) responded they were not sure if they would seek training.

Responses indicate that most agencies are aware of the value of employees being trained in better understanding both the cultures and language of the rapidly growing Hispanic/Latino population within their communities.

### *Special policies or programs for the Hispanic and Latino community*

There were 62 respondents (35.5%) that indicated their agencies had outreach programs of one type or another. Table 4 offers a description of some of the programs respondents offered as examples.

**Table 4: Local Criminal Justice Outreach Programs**

Participate with local Hispanic radio station programs.
Attend Hispanic community group meetings.
Have a manual of common English to Spanish phrases for officers.
House a city/county impact team in a housing area that has many Hispanic/Latino households. This allows for familiarity and openness.
Sent an assistant district attorney to Mexico to live with a family to better understand language and culture.
Brochures and forms printed in both English and Spanish. (Domestic violence information, crime prevention, court forms, probation documents...).
Outreach at festivals and community centers.
Conduct training to assist in obtaining legal drivers licenses.
Participation in Hispanic Coalition meetings and sponsor activities.

Activities ranged from one time events to the production of documents for daily use. This helps illustrate that criminal justice agencies recognize that the community they serve is not homogenous, but rather a diverse conglomeration of multiple cultures and ethnicities. For agencies attempting to offer public services to a

rapidly growing Hispanic and Latino population, ensuring that language and cultural barriers are bridged is a first step. It would seem that many of these agencies have found methods to reach out to their Hispanic/Latino community to develop some level of understanding.

### *Issues other than culture and language*

Another open-ended question asked if the respondents could identify other issues or problems encountered by the Hispanic/Latino community. Some of the issues that seemed to be offered by several respondents were:

- A general lack of understanding about North Carolina's criminal justice system and laws.
- Not having valid identification or multiple identifications.
- Distrust of law enforcement.
- Problems with illegal immigrants such as failure to report crimes out of fear of deportation.
- Lack of understanding banks and securing their money.

One statement that seemed to sum up this question was "we have found that once language barriers are broken, there is little that can't be resolved." The concerns were common and predictable and centered on a lack of understanding and distrust; barriers that can be overcome with open communication.

### *Recommendations for improving service delivery*

Lastly, respondents were asked if they had recommendations. The list below represents some of these responses.

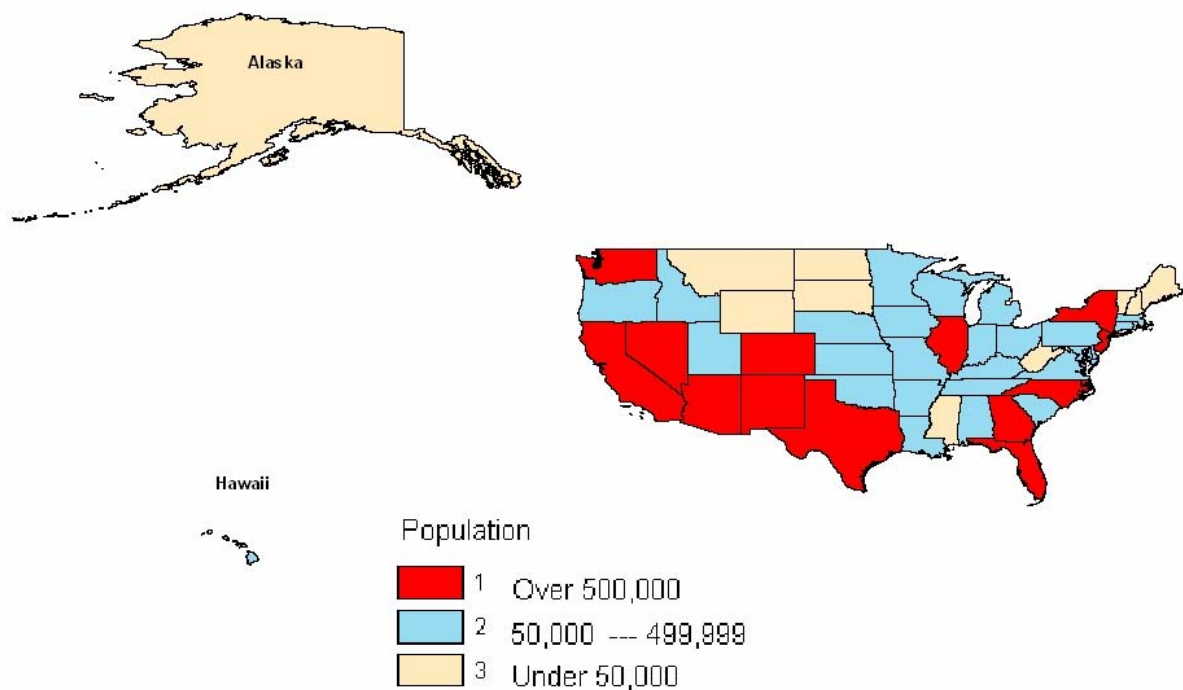
- Overcome language barriers.
- Greater access to cultural diversity training.



- Build more channels of communication with the Hispanic/Latino community.
  - Greater emphasis on community outreach programs for law enforcement and courts.
  - Encourage more bilingual people to apply for criminal justice positions.
  - Encourage members of the Hispanic/Latino community to obtain valid driver's licenses or state identification cards and to keep them in their possession.
  - Educate criminal justice personnel that they should be able to in some manner communicate with LEP persons in their community rather than hold LEP persons accountable for their own interpretation.
- The above listing represents the general attitudes of criminal justice respondents to our survey.
- 

Map 3

Aggregate 2005 Hispanic Population by State



## Conclusions and Recommendations

Since 1970 North Carolina's Hispanic population has experienced over a 1,600 percent increase. Today this population is in excess of 500,000 comprising greater than 6 percent of our total population far outpacing projections for current years made in the previous decade. North Carolina ranks 13<sup>th</sup> among US states for number of Hispanic populations (*see map 3 on previous page*). As this demographic continues to increase, it becomes clear that criminal justice agencies must be prepared to confront the language and cultural differences presented by Hispanic and Latino individuals when making services accessible.

While some of the responses to this survey indicated the burden for viable communication should be on the individual, the overwhelming responses were to a frustration of how to reach out and make communication and service provision to this population a priority in times where economic challenges could make this prohibitive.

Title VI of the 1964 Civil Rights Act and subsequent addendums have given broad definition to discrimination based on national language and by extension a person's inability to effectively communicate in English when their native language is other than English. English language proficiency, while advantageous to emerging populations, is not mandatory. Thus, service providers discriminating on the basis of a person's inability to communicate in English is prohibited. Criminal justice agencies and practitioners have a great deal of contact with the Hispanic/Latino population as victims,

witnesses, and offenders. As this population grows, the likelihood of contact with LEP individuals is increasing. The question emerges as to what extent an agency can be expected to provide bilingual publications or staff given the limited capital allocated for these services. The United States Department of Justice has offered a guideline of "reasonableness" in the provision of services.

The reasonableness of a service depends on several factors. Communities cannot simply say it is not reasonable for us to provide dual services for this population or to ensure there is a bilingual staff member. Agencies and programs within the criminal justice system who are the benefactors of federal monies must show that equal provision of any service to LEP individuals is not reasonable because there is a very small number of potential LEP individuals in the service population, the cost of providing dual or bilingual services, while significant on the budget of a public agency, may be prohibitive to non-profit service providers. Therefore it is incumbent on state and local funding agencies to provide some guidance in what is reasonable for provision of services to the Hispanic/Latino population. This guidance should not be so narrow as to corner agencies, either public or private, into a situation of suspending a program to citizens because the financial cost of the service to a limited LEP population in a community is prohibitive. However, it should also hold these agencies to a standard of proof for applying the four criteria of the United States Department of Justice for reasonableness.

The general findings of this study are that North Carolina's communities are experiencing demographic changes with

increases in the Hispanic population. As this population has grown at an unanticipated rate, criminal justice agencies have been forced to adapt to these changes. The first five years of this decade have been financially lean years for federal and state criminal justice dollars to local agencies. With limited resources to provide special assistance for LEP individuals, communities have struggled to communicate effectively. Competition with private sector businesses for bilingual individuals may place the public agencies at a disadvantage. These agencies are seeking to provide equal services, however, they indicate there is little standardization in training. There was overwhelming desire to seek cultural diversity training, if it were made affordable. Many agencies are seeking bilingual employees.

The Administrative Office of the Courts (AOC) has a \$750,000 budget for court interpreters. As the Hispanic/Latino population and the LEP portion of that population grows, this expense will increase. As outreach by local criminal justice agencies increases to win the trust of our Hispanic and Latino population, more victims, witnesses and offenders will confront members of the criminal justice community. Therefore, it is imperative that standards for our communities be set so no agency is caught in a potentially discriminatory position. Many of the recommendations from this study are for the state to provide guidance for our criminal justice agencies and non-profits who receive federal and state funding.

1. A State Advisory Committee on Title VI standards for criminal justice agencies should be set up using representatives from the Governor's Council on

Hispanic/Latino Affairs, Department of Justice, Criminal Justice Training Academy, Department of Correction, Criminal Justice Training and Standards, Crime Control and Public Safety, Governor's Crime Commission, AOC, Sheriff's Association, Police Chief's Association, General Assembly members and others to define reasonable expectations of state funding agencies for state and local criminal justice agencies and non-profits based on community needs. This would include developing a needs assessment model that could be used to determine "reasonable". This group would also provide useful information to the Governor, Attorney General and the General Assembly on the impact of LEP on the criminal justice system and future funding needs.

2. Develop standards for training on cultural diversity of Hispanic and Latino cultures for criminal justice practitioners and in Basic Law Enforcement curriculum.
3. Provide a low cost, centralized interpretation hotline for law enforcement where no bilingual officer is available.
4. Offer **new** Department of Correction bilingual probation officer positions in the most populous Hispanic/Latino counties.
5. Provide community service outreach to inform members of the Hispanic/Latino community of criminal justice services and

programs that are available to the LEP portion of the community.

6. Provide monies for incentive pay for bilingual state and local criminal justice agency employees who pass an articulated language testing tool.
7. Develop community boards who seek a greater understanding between majority English speaking and minority LEP groups whose goal would be to instill trust and belief in the agencies providing criminal justice services by offering educational outreach.
8. Legislate that agencies receiving grant funding from the state, either as state appropriated funds or as federal monies passed through state agencies, file a Title VI compliance report that acknowledges an understanding of Title VI and acknowledges that an assessment has been conducted to determine the level of compliance which is reasonable for the jurisdiction.
9. Provide multi state departmental public service announcements focused on the Hispanic/Latino community to inform this population of criminal justice resources.

NOTE: For sources of potential community outreach programs see: ***Hispanic Outreach Forum & Law Enforcement Workshop:*** (October 2004) at:  
<http://www.ftc.gov/reports/hispanicoutreach/hispanicoutreach.pdf>

AND

***Police Outreach to the Hispanic/Latino Community: A Survey of Programs and Activities***, Police Professionalism Initiative, University of Nebraska at Omaha and the National Latino Peace Officers Association, November 2002, at:  
<http://nlpoa.org/research02.pdf>

## Appendix A

**Fact sheet of information related to North Carolina's Hispanic population.**

## Fact Sheet

North Carolina's 2000 Hispanic Population	<b>367,390</b>
Total State Population 2000	<b>8,049,313</b>
North Carolina's 2005 Hispanic Population	<b>544,470</b>
Total State Population 2005	<b>8,683,242</b>
Aggregate Increase in North Carolina's Hispanic Population 2000–05	<b>177,080</b>
Percentage Increase in North Carolina's Hispanic Population 2000–05	<b>+ 48.2%</b>
Hispanic Percentage of Total State Population	<b>6.27%</b>

### Contrasted with Neighboring States

#### South Carolina

South Carolina's 2000 Hispanic Population	90,263
Total State Population 2000	4,012,012
South Carolina's 2005 Hispanic Population	163,616
Total State Population 2005	4,255,083
Aggregate Increase in South Carolina's Hispanic Population 2000–05	46,353
Percentage Increase in South Carolina's Hispanic Population 2000–05	+ 51.4%
Hispanic Percentage of Total State Population	3.21%

#### Tennessee

Tennessee's 2000 Hispanic Population	113,610
Total State Population 2000	5,689,283
Tennessee's 2005 Hispanic Population	171,890
Total State Population 2005	5,962,959
Aggregate Increase in Tennessee's Hispanic Population 2000–05	58,280
Percentage Increase in Tennessee's Hispanic Population 2000–05	+ 51.3%
Hispanic Percentage of Total State Population	2.88%

#### Virginia

Virginia's 2000 Hispanic Population	324,314
Total State Population 2000	7,078,515
Virginia's 2005 Hispanic Population	440,988
Total State Population 2005	7,567,465
Aggregate Increase in Virginia's Hispanic Population 2000–05	116,674
Percentage Increase in Virginia's Hispanic Population 2000–05	+ 36.0%
Hispanic Percentage of Total State Population	5.83%

## **Appendix B**

### **Table of Hispanic population by county from the 2000 Census.**

2000 Census

COUNTY	Total Pop	Hispanic Pop.	COUNTY	Total Pop	Hispanic Pop.
Alamance County	130,800	8,835	Madison County	19,635	266
Alexander County	33,603	841	Martin County	25,593	528
Alleghany County	10,677	530	Mecklenburg County	695,454	44,871
Anson County	25,275	211	Mitchell County	15,687	311
Ashe County	24,384	590	Montgomery County	26,822	2,797
Avery County	17,167	413	Moore County	74,769	2,981
Beaufort County	44,958	1,455	Nash County	87,420	2,939
Bertie County	19,773	195	New Hanover County	160,307	3,276
Bladen County	32,278	1,198	Northampton County	22,086	161
Brunswick County	73,143	1,960	Onslow County	150,355	10,896
Buncombe County	206,330	5,730	Orange County	118,227	5,273
Burke County	89,148	3,180	Pamlico County	12,934	171
Cabarrus County	131,063	6,620	Pasquotank County	34,897	429
Caldwell County	77,415	1,927	Pender County	41,082	1,496
Camden County	6,885	49	Perquimans County	11,368	68
Carteret County	59,383	1,035	Person County	35,623	746
Caswell County	23,501	415	Pitt County	133,798	4,216
Catawba County	141,685	7,886	Polk County	18,324	551
Chatham County	49,329	4,743	Randolph County	130,454	8,646
Cherokee County	24,298	303	Richmond County	46,564	1,319
Chowan County	14,526	219	Robeson County	123,339	5,994
Clay County	8,775	73	Rockingham County	91,928	2,825
Cleveland County	96,287	1,433	Rowan County	130,340	5,369
Columbus County	54,749	1,269	Rutherford County	62,899	1,136
Craven County	91,436	3,677	Sampson County	60,161	6,477
Cumberland County	302,963	20,919	Scotland County	35,998	423
Currituck County	18,190	261	Stanly County	58,100	1,237
Dare County	29,967	666	Stokes County	44,711	836
Davidson County	147,246	4,765	Surry County	71,219	4,620
Davie County	34,835	1,209	Swain County	12,968	191
Duplin County	49,063	7,426	Transylvania County	29,334	298
Durham County	223,314	17,039	Tyrrell County	4,149	150
Edgecombe County	55,606	1,554	Union County	123,677	7,637
Forsyth County	306,067	19,577	Vance County	42,954	1,957
Franklin County	47,260	2,100	Wake County	627,846	33,985
Gaston County	190,365	5,719	Warren County	19,972	317
Gates County	10,516	81	Washington County	13,723	311
Graham County	7,993	60	Watauga County	42,695	622
Granville County	48,498	1,951	Wayne County	113,329	5,604
Greene County	18,974	1,511	Wilkes County	65,632	2,262
Guilford County	421,048	15,985	Wilson County	73,814	4,457
Halifax County	57,370	579	Yadkin County	36,348	2,357
Harnett County	91,025	5,336	Yancey County	17,774	478
Haywood County	54,033	763	<b>North Carolina</b>	<b>8,049,313</b>	<b>378,963</b>
Henderson County	89,173	4,880			
Hertford County	22,601	354			
Hoke County	33,646	2,415			
Hyde County	5,826	131			
Iredell County	122,660	4,182			
Jackson County	33,121	577			
Johnston County	121,965	9,440			
Jones County	10,381	282			
Lee County	49,040	5,715			
Lenoir County	59,648	1,891			
Lincoln County	63,780	3,656			
McDowell County	42,151	1,214			
Macon County	29,811	454			

Data:Source: U.S. Census Bureau, Census 2000  
Redistricting Data (Public Law 94-171) Summary  
File, Matrices PL1 and PL2



## Appendix C

**U.S. Department of Justice document providing an overview to providing reasonable services to persons of limited English proficiency. (see: <http://www.lep.gov/lepdoc%20intro.htm>)**

## **Introduction: Overview of the Document and of the Federal Limited English Proficiency Initiative (<http://www.lep.gov/lepdoc%20intro.htm>)**

Over the last few years, the Coordination and Review Section (COR) of the Civil Rights Division of the Department of Justice (DOJ) has spent considerable time meeting with, training, and learning from individuals working in sectors ranging from the justice system to the nonprofit and social service providers, to federal, state, and local government, regarding the provision of language assistance to limited English proficient (LEP) individuals. We have done so because we are charged with coordinating enforcement and implementation of certain federal civil rights laws that require entities that receive financial assistance from federal agencies, as well as federal agencies themselves, to ensure that they are taking reasonable steps to provide meaningful access for LEP individuals.

In June of 2002, DOJ issued guidance relating to language assistance pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI) and its accompanying regulations. The guidance focused on recipients of DOJ financial assistance (primarily law enforcement agencies, departments of corrections, courts, domestic violence service providers, and entities having a law enforcement or juvenile justice mission). That guidance has served as a launching point for COR's training efforts and discussions with federal, state, and other partners on the subject of language assistance. Often these interactions and trainings have become opportunities for sharing tips and tools from the field based on the experiences of recipients and communities working with LEP populations. Sharing anecdotes of community solutions that have been positively received, as well as sharing information about some of the drawbacks of certain approaches, offers entities opportunities to make great strides in developing their own solutions to language access concerns.

DOJ believes that this exchange of experiences more broadly is a useful tool for enhancing access for LEP persons. This document furthers that sharing.

### **What Will You Find In This Document?**

To develop this document, COR reviewed information collected in informal surveys of court personnel, social service providers, police departments, 911 call centers, several DOJ components e.g. the Executive Office for United States Attorneys, the Federal Bureau of Investigation, and the Office of Justice Programs), to determine how these organizations have responded to the call for meaningful access for LEP individuals. This document lists many of the tips, tools, and practices identified in our surveys. We highlight some agencies that have taken an innovative approach or applied a strong policy or strategy to a particular aspect of language services.

This document does not endorse or suggest that any particular program is legally required. Nor would we presume to state that this project has encompassed all of the current innovations in this area; local innovation will certainly produce additional successful practices. Moreover, variations in size, resources, mission, and populations served mean that different approaches will work for different agencies. The examples are, as described, consistent with the goal of the DOJ LEP Guidance and with Title VI and regulatory requirements, but the Department has not

conducted an extensive review of the agencies providing these examples, nor has it reviewed how all of the policies and practices are being implemented in practice. While we strove to provide as comprehensive an approach as possible, you might find that certain types of interactions with LEP individuals are not fully covered by these tips. Language access coordinators and decision-makers should consult the DOJ LEP Guidance, discussed below, in conjunction with this document. More work will be done to continue to seek out additional resources and strategies for communicating effectively with LEP individuals.

For more information on the work of the Coordination and Review Section of the Civil Rights Division, visit [our website](#).

### **What Is the Legal and Policy Background?**

This document is part of a broader effort by the Department to share existing language access resources, practices, and tools for recipients. It is inspired by, and reflects the work of, entities in the field that focus on 911 call response, law enforcement, courts, and domestic violence, as well as some federal program managers. The framework and grounding for choosing the tips and highlighting particular aspects of the recipient programs is Title VI, the Title VI regulations, and policy guidance issued by DOJ in this area.

Under Title VI and federal agency regulations implementing Title VI, recipients of federal financial assistance have a responsibility to take reasonable steps to provide LEP individuals with meaningful access to their programs and activities. Title VI and its accompanying regulations prohibit recipients from discriminating on the basis of race, color, or national origin. Discrimination on the basis of national origin can occur if a recipient does not provide appropriate language assistance to LEP individuals because these individuals, whose language is usually tied to their national origin, will not have access to the same benefits, services, information, or rights that the recipient provides to everyone else. Thus, in certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate Title VI and its regulations prohibiting national origin discrimination.

Executive Order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," required two things. First, it required federal agencies to take reasonable steps to provide meaningful access for LEP people to federally conducted programs and activities (essentially, everything the federal government does). Second, under the Executive Order, every federal agency that provides financial assistance to non-federal entities must publish guidance on how those recipients can provide meaningful access to LEP persons and thus comply with Title VI and Title VI regulations.

On December 18, 2002, the Assistant Attorney General for Civil Rights sent a [letter](#) to DOJ recipients of federal financial assistance and representative organizations, providing them with a copy of the DOJ LEP Guidance and asking them to spread the word about the need to provide meaningful access to LEP individuals. A copy of an article for newsletters can be found at: the COR website under [newsletter article](#), or go to [www.lep.gov](http://www.lep.gov).

Pursuant to Executive Order 13166, DOJ published final guidance for its own recipients on June 18, 2002. 67 Fed. Reg. 41455. DOJ's LEP Guidance assists recipients with fulfilling their legal responsibilities to provide meaningful access to LEP persons. This policy guidance provides a description of the four factors recipients should consider in fulfilling their responsibilities to LEP persons. DOJ uses these factors in evaluating whether recipients are in compliance with Title VI and its regulations. These four factors are:

- 1. The number or proportion of LEP persons in the eligible service population;**
- 2. The frequency with which LEP individuals come into contact with the program;**
- 3. The importance of the benefit, service, information, or encounter to the LEP person (including the consequences of lack of language services or inadequate interpretation/translation); and,**
- 4. The resources available to the recipient and the costs of providing various types of language services.**

The DOJ LEP Guidance should be used in conjunction with this document. Appendix A to the guidance provides additional information on how some DOJ recipients of federal financial assistance, such as law enforcement, correctional institutions, courts, and domestic violence programs, can apply the four-factor analysis. See 67 Fed. Reg. 41466-41472. The guidance also discusses the value and possible format of written language assistance plans, presents options for identifying language services and ensuring competency of interpretation and translation services, and provides DOJ's insights on when translations of certain vital documents should be considered.

Providing high quality and accessible services, benefits, information, and access to the justice system for LEP individuals requires resources but is often critical. Moreover, often the costs of failure to provide appropriate language access can be even higher than the costs of providing a qualified interpreter, translator, or bilingual staffer. Convictions can be overturned and defendants released for inaccurate interpretation during interrogation, evidence development, or testimony. Victims and witnesses may be unable to provide law enforcement and emergency responders with accurate information, resulting in additional human and financial costs. Poor translations may require expensive revisions and reprinting, or result in inaccurate information exchange. Thus, in addition to the legal requirement to provide meaningful linguistic access, recipients and others have many additional incentives to avoid initial non-compliance.

[lep.gov](http://lep.gov) is the website of the Federal Interagency Working Group on LEP. The website is intended to serve as a clearinghouse that contains useful information, guidance, demographic links, and resources for recipients, agency representatives, community members, and other stakeholders. This website is frequently updated to provide new tools that will facilitate language access.

In addition, there are many productive steps that the federal government, either collectively or as individual grant agencies, can take to help recipients reduce the costs of providing language

services without sacrificing meaningful access for LEP persons. To that end, DOJ has provided and will continue to provide assistance and guidance in this important area. DOJ has established and oversees a Federal Interagency Working Group on LEP, which has developed a website, [lep.gov](http://lep.gov), to assist in disseminating this information.

The Civil Rights Division is also working closely with DOJ funding components to ensure that language access measures are considered in the funding and monitoring of recipient programs and activities.

The Office for Civil Rights (OCR) of the Office for Justice Programs (OJP) is responsible for ensuring that recipients of financial assistance from OJP and the Office of Community Oriented Policing Services (COPS) comply with civil rights laws that prohibit discrimination on the basis of national origin, including limited English proficiency. Since the DOJ LEP Guidance was issued, OCR has provided training to representatives from hundreds of organizations funded by OJP and COPS on providing services to their LEP communities. OCR has also recognized the value of the information exchanged during these interactions and has passed along some of these tips and tools from the field to the Civil Rights Division and incorporated them into its training presentations. OCR conducted a number of compliance reviews of law enforcement agencies regarding their level of services to LEP persons. Through these reviews, OCR was able to see a number of promising approaches to providing services to LEP populations up close and gauge their effectiveness through interviews with the affected LEP communities.

For more information on the work of the Office for Civil Rights of the Office of Justice Programs, visit the [OJP website](http://OJP website).

The Civil Rights Division is committed to providing the necessary LEP training and technical assistance to all interested stakeholders. These services are provided primarily by the Division's Coordination and Review Section (COR), which is responsible for coordination and implementation of the LEP initiative throughout the Executive branch. To date, COR has conducted over 50 LEP trainings at the federal, state, local, and community levels, and will continue to do so as the need requires. COR has also worked with the United States Department of Health and Human Services and the Food and Nutrition Service of the United States Department of Agriculture to develop a video on the application of Title VI to LEP access issues, including vignettes regarding emergency 911 services, law enforcement, foodstamps, and healthcare. To request a training session on LEP, brochures, a copy of the video, or for other technical assistance, please call COR at (202) 307-2222. TDD: (202) 307-2678.

Additional technical assistance tools include brochures which can be found on [lep.gov](http://lep.gov) and a LEP video, which is an excellent companion to COR's general Title VI video. The LEP brochures and video were created in partnership with the Food and Nutrition Service of the Department of Agriculture, and the Office for Civil Rights of the United States Department of Health and Human Services.

With this background, we invite you to delve into the heart of this document - the Tips and Tools Chapters. We hope that this document will spark your creativity, provide examples you

can replicate, and reaffirm what is already working for you as you endeavor to communicate effectively with all community members, regardless of language or national origin.

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***Facts on the Hispanic or Latino Population***, <http://www.census.gov/pubinfo/www/NEWhispML1.html>, and <http://www.census.gov/population/www/socdemo/hispanic.html>, Links to Census data on the Hispanic population

***Pew Hispanic Center***. <http://pewhispanic.org/>  
"The Pew Hispanic Center's mission is to improve understanding of the diverse Hispanic population in the United States and to chronicle Latinos' growing impact on the nation. The Center strives to inform debate on critical issues through dissemination of its research to policymakers, business leaders, academic institutions and the media."

***U.S. Latino History and Culture***. <http://www.si.edu/resource/faq/nmah/latino.htm>  
Smithsonian Institution links to Smithsonian exhibits and resources on Latinos/Latinas in the U.S.

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