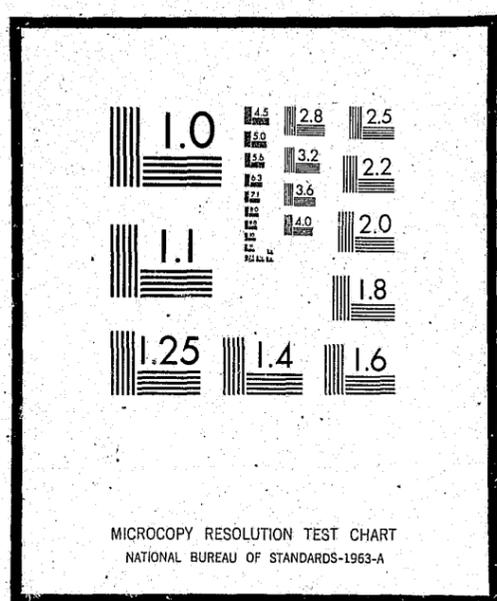


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73-0F-09-0045

FINAL REPORT ON THE

JUSTICE SYSTEM INTERPRETER

MODEL DEVELOPMENT PROJECT - Final Report

Prepared for

PIMA COUNTY SUPERIOR COURT

The Honorable Ben C. Birdsall
Presiding Judge
Tucson, Arizona 85701

The Pima County Superior Court Justice System Interpreter Model Development Project was funded by the Law Enforcement Assistance Administration (LEAA) Grant 73-DF-09-0045. The fact that the LEAA furnished financial support to the model described in this publication does not necessarily indicate the concurrence of the LEAA in the statements or conclusions contained therein.

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CHAPTER I
INTRODUCTION

I. INITIAL DISCUSSIONS, COMMUNITY BACKGROUND AND COMPOSITION,
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A. Initial Discussions

During the early part of 1973, a luncheon meeting was held between the Honorable Ben C. Birdsall, Presiding Judge, Pima County Superior Court and the Project Staff Director, Peter S. Lopez. The main topic discussed in this meeting was the previous work conducted in the area of improving the availability and quality of language services for non-English-speaking and language handicapped persons. An essential need discussed was the identification of a project site where a justice interpreter system model could be developed.

Several characteristics were delineated as being essential to a site. Among the characteristics that were identified were two significant ones. The first involved a site where sufficient justice related agencies would be willing to voluntarily participate in a model development to permit an examination of a comprehensive systems workflow of the criminal justice process and, secondly, a jurisdiction which had a community composition reflecting ethnic and cultural heterogeneity. Pima County fulfilled the major characteristics for such a site.

B. Area Development

Although the geographical area of Pima County is 9240 square miles, over 75% of the County population is centralized in the metropolitan area of Tucson. Tucson is the County seat and practically all governmental and public services of the County are located within the geographical vicinity of the civic center. Diversified cultural influences particularly those of the Spanish, Mexican and American Indian are highly visible and evident in modern day Tucson. The history of the City of Tucson dates back to the 17th century. The Spaniards in 1769 established San Xavier de Bac and its walled presidio. In 1821, Pima County and Tucson became subsequently territories of independent Mexico. They later became a part of the United States with the Gadsden Purchase in December, 1854. The State of Arizona became a territory in 1863, and, in 1864, the state's first governor declared Tucson a municipality. Tucson did not become a chartered city until 1883. By 1909, Tucson was recognized as the largest populated city in Arizona with a population of 7351. The present population, based on the 1970 Census, is 277,000 with a projected population of 570,000 by 1985. The population within the metropolitan area of the city is presently counted as 360,000.

C. Education

Several educational institutions are available to the residents of Pima County within the metropolitan area of Tucson. The educational institutions include: the University of Arizona, first established in 1891, with a present enrollment of over 30,000 students; Pima County Community College, enrollment of 15,266; and, 83 elementary schools, 23 junior high schools, and 13 high schools with a total enrollment of over 85,000 students.

D. Language

The language services needs in the county are affected by several factors. Unlike many communities of high density Mexican American population, Tucson is not an agricultural community. Manufacturing, mining, contract construction, transportation, communications, public communications, public utilities, wholesale, retail, finance, insurance, real estate, services, and government are the principal employment sources for the community labor force. The availability of educational opportunities, the nature of employment opportunities, the estimated 17.2% Spanish-surnamed population, and the close (68 miles to Nogales, Sonora, Mexico) proximity to a large Mexican border city,

make an interesting and unusual combination of factors which influence the extent and need for the provision of services in a language other than English. It can also be hypothesized that if the need for language services exist in Pima County, where generally educational and higher skilled employment opportunities exist, the need would be greater in areas where such opportunities were not as readily available. Another factor which has a major effect on the use of the Spanish language is the strong identification and association by the citizenry to the Spanish-Mexican culture. Major community cultural events include the "La Fiesta de Los Caballeros", "Fiesta de Las Flores" and, "San Xavier Fiesta". Not unlike other communities and areas with Spanish surnamed citizens, Pima County retains strong association with the music, art, dress, customs, traditions and language of the Spanish-Mexican culture.

E. Government & the Spanish Surnamed

Pima County is governed by an elected Board of Supervisors comprised of five members, with one board member being Spanish-surnamed. The City of Tucson is governed by an elected six-member city council. Two of the councilmen are Spanish surnamed. The City Manager, the chief administrator for the city, is Spanish-surnamed.

Tucson School District #1, the largest school district in the city, recently elected a Spanish-surnamed person to its board membership. Spanish-surnamed individuals are found in a wide range and variety of public and private employment. Although staffing patterns in the total governmental and public employment market is not equally representative in comparison to the community ethnic population, several steps have been taken to balance staffing and employment opportunities. The total community workforce is figured to be 127,000. The unemployment rate in the area has been reported as 5.1% for the total community. Tucson Police Department's Selective Certification Program, Pima County and the City of Tucson's Affirmative Action Programs are a few examples of present efforts to provide equal employment opportunities for all.

F. Discussion Conclusions & Agreements

In view of the community composition and the anticipated receptivity of officials and personnel within the criminal justice system, Pima County was considered to be an ideal site in which a language services model could be developed. Judge Ben C. Birdsall agreed that a need for the development of such a model existed, and, that if funds could be made available, he would be willing to submit a project proposal for funding and seek the voluntary participation of criminal justice related agencies in a model development project.

G. Word of Possible Project Funds

In May, 1973, a telephone call was received by Peter S. Lopez, Project Staff Director, from the Law Enforcement Assistance Administration, U. S. Department of Justice, Region IX, advising of funds which might be available prior to the end of the fiscal year for the development of an interpreter services model. Contact was made with Judge Birdsall and a proposal for funding was prepared and submitted.

H. Funding

In August, 1974, a discretionary grant award in the amount of \$28,492.00 was made by the Law Enforcement Assistance Administration, U. S. Region IX, Department of Justice, through the Arizona Justice Planning Agency to the Pima County Superior Court for the development of a Justice System Interpreter Model.

II. ACKNOWLEDGEMENTS

It is imperative to initially clarify any potential misunderstanding or impressions that may be conveyed by the publication of this report. Pima County Criminal Justice System was not selected as a model development site because of its inability to respond to the needs of the non-English speaking or English deficient persons. Nor was it selected because the courts, law enforcement agencies, and criminal justice related agencies were inadequate or insensitive to the language service needs of persons whose primary language is other than English. To the contrary,

Pima County Superior Court and eventual participating agencies were selected because of their recognition for the need of developing a planned and systematic program for the provision of such services.

Although the development of the model requires an examination and evaluation of the present system, the criticisms offered and recommendations proposed are possible only because of the outstanding cooperation and understanding of the various participating agencies. Special acknowledgements are due to the following individuals and agencies:

- William J. Gilkinson, Chief of Police, Tucson Police Department, and the entire Police Department for their cooperation and support. Major Francis Kessler, Captain Tom Keeley, and Lieutenant Ron Zuñiga of Tucson Police Department deserve special appreciation for providing data and making it possible to conduct observations and interviews with police officers in the field and headquarters.
- William Cox, Sheriff, Pima County, and his department, particularly the personnel assigned in the detention facilities and Evans Stevens, Sheriff's Rehabilitation Officer, were most helpful in making arrangements for obtaining information and making observations in the booking and incarceration process.

- Dennis DeConcini, Pima County Attorney, and his staff; David Dingleline and John Burks for all the cooperation and assistance they gave to the project.
- John Neis, Public Defender, Pima County and his deputy, Ray Montes de Oca, for the valuable time they gave us in providing information, data, and insights into the dynamics of the criminal trial process.
- Sharon Leisi, Director of Correctional Volunteer Center, and her staff, especially Horace Cunningham and George Corneveaux, in helping us understand their role in the entire criminal process and for conveying the importance of accurate information gathering.
- The many kindly individuals of the Justice of the Peace Courts who provided valuable information and facilitated the collection of language transactions through observations during initial appearances, arraignments, and preliminary hearings.
- Edward Casanova, Court Administrator, and other individuals from City of Tucson City Court who were extremely helpful in providing information on the operations of the courts and arranging for observations of arraignments and trials.
- Tom Wilson, City Prosecutor, and Janice Iahr, for their cooperation and time in providing information about that office.
- The entire Justice Interpreter Project Advisory Committee whose members were instrumental with their counsel and assistance.

Special recognition and thanks is extended to the Honorable Ben C. Birdsall, Presiding Judge, Pima County Superior Court, for his desire to achieve individual justice and equality before the law. His leadership role in support of the project made this project the first known effort to systematically improve language services throughout the criminal justice process.

The project team gratefully acknowledges the English-Spanish-speaking personnel of participating agencies, who, despite the deficiencies cited within the contents of this report, provide services to the best of their availability and ability to persons whose primary language is other than English. They are deserving of a most sincere appreciation for their cooperation in providing valuable information and insights into the complexities of bilingual language transactions, and, especially for their cooperation and support despite the inevitable criticisms resulting from such an examination.

III. DEFINITION OF TERMS USED IN THIS REPORT

A. Bilingual

An English-Spanish-speaking employee who has demonstrated an appropriate level of language skill and whose qualifications and abilities have been certified and is serving in a formally designated position requiring such skill for specifically prescribed job related duties.

B. Consecutive (Interpretation)

A technique of language interaction in which one person speaks in one language and upon completion of the spoken word(s) the interpretation follows of the spoken word(s) by another person.

C. Criterion-Referenced Test

A test used to measure the competence of an individual's acquired skill as a result of a formal or informal training against fixed, job oriented standards.

D. English-Spanish-Speaking

Any person who speaks both English and Spanish with some fluency, but whose level of competency has not been determined.

E. Interpretation

An oral rendering from one language into another.

F. Justice Interpreter

An individual who has demonstrated an appropriate level of language skill as specifically prescribed and whose abilities encompass and surpass those of bilinguals and translators.

G. Simultaneous (Interpretation)

A mode in which a speaker's words are interpreted as closely in time to the speaker's words as possible.

H. Translation

A written rendering from one language into another, i.e., the written product of a translator.

I. Translator

A person who transfers in writing an oral or written stimulus into another language, conveying its semantic and cultural values often using the characters or symbols of the particular language.

IV. OVERVIEW OF STUDY METHODOLOGY

A. General Project & Language Transaction Observations

On-site visits were conducted by the project staff director to introduce the project and to gather basic information necessary for the initial understanding of the local criminal justice system environment. General meetings were held by the staff director with representatives of local agencies and departments to provide group orientation to the intent and purpose of the study. Individual meetings were also scheduled with judges, administrators, clerical staff, and attorneys.

Extensive interviews were conducted with English-Spanish-speaking persons who currently provide and are familiar with the delivery of language services within the participating departments.

Detailed information was obtained to the extent available and possible from each participating agency/department regarding statistical workloads, staffing, interfacing with other criminal justice related agencies, total staffing, bilingual staffing, personnel assignments, present method of providing bilingual services, personnel policies and procedures, recruitment, selection, testing, and evaluation of bilingual personnel. Data and information collected were reviewed and assigned to core project staff specialists

for additional review, analysis, and compilation. In addition, information/data was requested by the use of a data collection form which was distributed to each agency representative. The agency representatives collected the information which was readily available and provided that information to the project staff director. One major deviation from the proposed work plan was the need for the recruitment and assignment of an on-site research coordinator. The unprecedented nature of conducting the language aspects of the project quickly brought about the realization that language analysts (observers) need considerable orientation, training, and daily guidance. Also identification of forms and documents which need or should be translated, prompted the presence and supervision of a knowledgeable English-Spanish-speaking person who understood the dynamics of the criminal justice system and process. The language transaction aspects of the project were carried out primarily by observations and interviews. A more complete description of methodology and findings are included in Appendix I and Chapter 4 of this report.

B. CHRONOLOGICAL SUMMARY OF STUDY ACTIVITIES

	Negotiations	Correspondence	Data Collection & Compilation
<p><u>May, 1973</u></p> <p>Project proposal was written and submitted for funding.</p> <p><u>February, 1974</u></p> <p>Contract services finalized for the conduct of the project.</p> <p>On-site visit. Meet with criminal justice related departmental representatives.</p> <p>Meet with Arizona State Justice Planning Agency and Administrator, Arizona State Supreme Court Officials and Administrators.</p> <p><u>March, 1974</u></p> <p>On-site visits. Meet with participating departmental representatives.</p> <p>Individual contacts with officials & representatives of the Tucson Police Department, Pima County Sheriff's Office, Pima County Attorney's Office, Pima County Public Defender's Office, Pima County Justice of the Peace Courts.</p> <p>Meet with University of Arizona, Pima College and Tucson School District #1 Personnel to initiate identification of language analysts and legal researchers.</p> <p><u>April, 1974</u></p> <p><u>May, 1974</u></p>	I		

June, 1974	Negotiations	Correspondence	Data Collection & Compilation
<p>On-visit. Meet with representatives of the Tucson Police Department, Pima County Sheriff's Office and Pima County Justice of the Peace Courts.</p>			
<p><u>July, 1974</u></p>			
<p><u>August, 1974</u> On-site visit. Meet with representatives of the Pima County Attorney's Office, City of Tucson Court, Pima County Public Defender's Office, Pima County Superior Court, Pima County Juvenile Court, Pima County Personnel Office and College of Law University of Arizona.</p>			
<p>Core Project Staff meet to discuss project, disseminate collected data/information and clarify work assignments.</p>			
<p>On-site visit. Meet with Pima County Superior Court, Judicial, Administrative, and Clerical Personnel.</p>			
<p><u>September, 1974</u> Assignment of on-site research coordinator to Pima County.</p> <p>On-site visit. Introduction of coordinator to resource persons and agency representatives. Finalize recruitment of language analysts and legal researchers. Begin orientation and training. Develop observation forms. Obtain clearances and approval for observations/assignments.</p>			

October, 1974	Negotiations	Correspondence	Data Collection & Compilation
<p>On-site visit. Review data collection of language transactions, observations and data collection forms. Meet with Tucson City Personnel officials. Meet with Superior Court Administrative and Clerical Personnel. On-site meeting with legal researchers to discuss and assess process.</p>			
<p><u>November, 1974</u> On-site visit. Meet with Pima County Superior Court and Tucson City Personnel Department Officials.</p>			
<p>Final preparations for key staff on-site meeting.</p>			
<p>On-site visit. Core project staff draft and outline of initial justice interpreter model. Review status of project progress. Identify informational voids. Initiate collection of needed information/data.</p>			

December, 1974	Negotiations	Correspondence	Data Collection & Compilation
<p>Preparation and distribution of initial draft and outline of justice system interpreter model report to members of the advisory committee. On-site visit. Meet with language analysts to receive input based on their learnings and experiences.</p> <p>On-site visit. Meet with advisory committee members, group and individual, to discuss initial draft and outline of model concepts, accuracy and practicality.</p>			
<p><u>January, 1975</u> On-site visit. Core staff members meet to review initial draft, identify operational and administrative voids in initial draft and outline of model report. Discuss concepts and begin writing of final model report.</p> <p>Final writing and preparation of interpreter model report. Prepare report and send advanced copies of the final draft to members of the advisory committee for final review and input.</p>			
<p><u>January, 1975</u> Review of final draft. Submit final Justice System Interpreter Model Development Project Report.</p>			

CHAPTER II

THE RIGHT TO STATE-PROVIDED INTERPRETERS FOR NON-ENGLISH SPEAKING CRIMINAL DEFENDANTS

I. OVERVIEW

The basis of our criminal justice system demands that the defendant must have the opportunity to effectively present his own defense which includes those well-established constitutional rights to hear and know the nature of the charges against him, to confront and cross-examine witnesses and to have the effective assistance of counsel. It is obvious that a defendant who cannot understand what transpires during the judicial process cannot effectively participate in his own defense. For this reason, a defendant who is physically or mentally ill to the point that he cannot render assistance in his own defense is adjudged to be incompetent to stand trial. Similarly, a defendant who is deaf must be provided with an interpreter so that the proceedings are understood. To force a defendant to participate in the criminal process who is incapable of understanding the procedures in that system is a patent denial of due process of law as guaranteed by the Fourteenth Amendment to the United States Constitution.

A criminal defendant with severe English language deficiencies is just as incapable of effectively participating in his defense. To subject him to this process without providing a means to understand the process makes a mockery of those constitutionally guaranteed rights of due process. Just as the State has an affirmative duty to provide counsel for an indigent defendant with English language deficiencies, it must provide an interpreter to an indigent defendant with English language difficulties.

The most recent and comprehensive statement by the Arizona Supreme Court on the right to interpreters is found in State of Arizona v. Natividad, 526 P. 2d 730 (1974). The issue considered by the court was "whether a defendant is denied due process . . . where he is not informed at the commencement of criminal proceedings that an interpreter will be provided at state expense, if need be, where the court is clearly on notice of severe language difficulties . . . (and that the failure of the court to provide him with the continuous assistance of a competent interpreter during the pretrial hearing, pretrial conferences with defense counsel and during the entirety of the trial has denied him due process of law." Id at 732.

The Court in remanding the case to determine the extent of the language deficiency suffered by the defendant established criteria for a criminal defendant's right to an interpreter. The Court recognized that the indigent defendant with English language deficiencies is entitled to an interpreter in order to effectively participate in his own defense, and that a failure to request an interpreter is not alone a waiver of that right. It is the affirmative duty of the trial court to determine when an interpreter is necessary in order to prevent the abridgement of those constitutionally guaranteed rights such as the right to confront and cross-examine witnesses and the right to effective assistance of counsel. The concept of fundamental fairness under the due process clause applies to the interpreter issue.

In view of the paucity of state and federal court cases dealing with this issue, the Natividad decision is particularly significant. It is the objective of this report to analyze the issue of interpreter services in light of the Natividad decision and state and federal interpretations of the constitutional rights which have traditionally formed the basis of due process of law in criminal prosecutions. This analysis will include an

examination of the basic rights involved, the stages in the criminal process when the interpreter requirement applies, and the criteria that determine which criminal defendants are entitled to an interpreter.

II. THE BASIC CONSTITUTIONAL RIGHTS

The American system of criminal justice is characterized by the concept of fundamental fairness which encompasses certain rights enumerated in the Federal and State Constitutions. The Sixth Amendment of the United States Constitution provides that, "In all criminal prosecutions, the accused shall enjoy the right . . . to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." These same rights are also guaranteed by Article II, Section 24 of the Arizona Constitution. Both federal and state governments are constitutionally required to provide due process and equal protection of the law in their treatment of criminal defendants. The requirements for the federal government are mandated by the Fifth Amendment. This obligatory standard of conduct is imposed on the State by section one of the Fourteenth Amendment, ". . . (N)or shall any state deprive any person of life, liberty,

or property, without due process of law; nor deny to any persons within its jurisdiction the equal protection of the laws." This same standard of governmental conduct is required by the Arizona Constitution in Article II, Sections 4 and 13. These constitutional guarantees provide the authority for the right to interpreter services by non-English speaking criminal defendants.

A. Right to Effective Assistance of Counsel

In the 1932 landmark case of Powell v. Alabama, 287 U.S. 45, 53, S.Ct. 55, 77 L.Ed. 158 (1932), the United States Supreme Court held that states were obligated to provide indigent defendants with counsel in capital offense cases. The court reasoned that the Sixth Amendment guarantee of the right to counsel was so fundamental to our system of jurisprudence that it would be a denial of due process to deny the services of counsel to a defendant charged with a capital offense. Though Powell had counsel for the trial, the attorney had not been given time to properly prepare for trial or properly confer with the defendant. The duty to appoint counsel is not discharged where the assignment is so late or under such circumstances that effective assistance is precluded.

A significant extension of the right to effective assistance of counsel was made in Gideon v. Wainwright, 372, U. S. 335, 83 S.Ct. 792, 9 L.Ed. 2d 799 (1963). The Court held that the Sixth Amendment right to counsel applies to the states through the due process clause of the Fourteenth Amendment in all felony cases.

The latest expansion of the right to counsel was reached by the Court in Argersinger v. Hamlin, 407 U.S. 25, 92 S.Ct. 2006, 32 L. Ed. 2d 530 (1972). The Court held that "absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial."

The rationale upon which these decisions were based is that in the American adversary system a defendant without counsel and without effective assistance of counsel cannot be assured the fair trial guaranteed by due process. The defendant cannot be expected to mount an adequate defense without the special skill and training of a lawyer.

In addition to the right enumerated in the Arizona Constitution, the Arizona Rules of Criminal Procedure provide:

a. Right to be Represented by Counsel. A Defendant shall be entitled to be represented by counsel in any criminal proceeding. The right to be represented shall include the right to consult in private with an attorney, or his agent, as soon as feasible after a defendant is taken into custody, at reasonable times thereafter, and sufficiently in advance of a proceeding to allow adequate preparation therefor.

b. Right to Appointed Counsel. An indigent Defendant shall be entitled to have an attorney appointed to represent him in any criminal proceeding which may result in punishment by loss of liberty and in any other criminal proceeding in which the court concludes that the interests of justice so require. 17 A.R.S. Rules of Criminal Procedure, Rule 6.1.

The essence of the constitutional right to effective assistance of counsel is the ability of the client "to consult with his lawyer with a reasonable degree of rational understanding." Dusky v. United States, 362 U.S. 402, 80 S.Ct. 788, 4 L.Ed. 2d 824 (1960).

Without such communications, it is impossible for the lawyer to adequately determine the facts, applicable law and defenses available. It is patently clear that these fundamental factors of effective counsel are the very ones most seriously affected when a non-English speaking defendant cannot understand what is occurring around him and cannot communicate properly with his counsel either before or

during his trial. There is a denial of effective assistance of counsel when the state fails to provide an indigent, non-English speaking defendant with means to communicate with his lawyer through interpreter services.

B. Right to Confrontation of Witnesses

The Sixth Amendment right of an accused to confront the witnesses against him was held to be a fundamental right made obligatory on the states by the Fourteenth Amendment in Pointer v. Texas, 380 U.S. 400, 85 S.Ct. 1065, 13 L. Ed. 2d 923 (1965).

The Court stated that:

. . . (t)here are few subjects, perhaps, upon which this Court and other courts have been more nearly unanimous than in their expressions of belief that the right of confrontation and cross-examination is an essential and fundamental requirement for the kind of fair trial which is this country's constitutional goal.

The right of confrontation is meaningless where the defendant does not understand the proceedings and cannot communicate with his lawyer.

The United States Court of Appeals has specifically applied this reasoning in finding the right of a non-English speaking person to have interpreter assistance at state cost. United States ex rel. Negron v. New York, 434 F 2d 386 (2d Cir. 1970). The Court explained "Negron's capacity to respond to specific

testimony would inevitably hamper the capacity of his counsel to conduct effective cross-examination. Not only for the sake of effective cross-examination, however, but as a matter of simple humaneness, Negron deserved more than to sit in total incomprehension as the trial proceeded Negron's language disability was obvious, not just as a possibility, and it was as debilitating to his ability to participate in the trial as a mental disease or defect. But it was more readily 'curable' than any mental disorder." Id at 390.

The Arizona Supreme Court has followed the reasoning of Pointer. State v. Alexander, 108 Ariz. 556, 503 P.2d 777 (1972). The constitutional right of confrontation is augmented by the Arizona Rules of Criminal Procedure which require that all witnesses be examined in the presence of the Defendant and may be cross-examined. 17 A.R.S. Rules of Criminal Procedure, Rules 5.3, 19.3.

C. Right to be Informed of the Nature and Cause of the Accusation.

Both the United States Constitution (Amendment VI) and the Arizona Constitution (Article II, Section 24) guarantee the Defendant's right to be informed of the

nature and cause of the accusation against him.

An early Alabama case involving a deaf mute defendant illustrates the importance of being able to understand the trial and communicate with counsel. The failure of a lower court to appoint an interpreter was held to be sufficient grounds for reversal. Terry v. State, 21 Alab. App. 100 (1925), 105 So. 386. The Court noted that:

In the absence of an interpreter, it would be a physical impossibility for the accused to know or to understand the nature and cause of the accusation against him and as here he could only stand by helplessly, take his medicine, or whatever may be coming to him, without knowing or understanding, and all of this in the teeth of the mandatory constitutional rights which apply to an unfortunate afflicted deaf mute, just as it does to every accused of a violation of the criminal law. 105 So. at 387-88.

Following the logic of Terry, it is impossible for a non-English speaking defendant to be apprised of the charges against him without the assistance of an interpreter. Failure of the State to provide interpreter services to those indigent defendants who need them is a denial of those constitutional guarantees.

D. Right to be Present at One's Own Trial

Although the right to be present at one's own trial is not a right enumerated in the Constitution, it is embodied in the concept of fundamental fairness guaranteed by due process and, in Arizona, is specifi-

cally provided for by Rule 19.2, Arizona Rules of Criminal Procedure. The importance of this right is illustrated by a case in which a murder conviction was reversed where the defendant spoke no English and his court-appointed attorney spoke no Spanish. The Court stated that "considerations of fairness, the integrity of the fact-finding process, and the potency of our adversary system of justice forbid that the state should prosecute a defendant who is not present at his own trial . . . and it is equally imperative that every criminal defendant - if the right to be present is to have meaning - possess "sufficient . . . ability to consult with his lawyer." United States ex rel. Negron v. State of New York, 434 F.2d 386 (2d Cir. 1970).

If a non-English speaking indigent defendant is to be meaningfully present at his own trial so that he may exercise the protections of the Sixth and Fourteenth Amendments, he must be provided with an interpreter.

E. Arizona's Recognition of the Right to Interpreter Services.

An early Arizona case recognized the necessity of an interpreter for non-English speaking defendants under a general fairness concept rather than under

any specific right embodied in the Constitution. Escobar v. State, 30 Ariz. 159, 245 P. 356 (1926). The court, however, narrowly conditioned the right upon a showing that the lack of an interpreter "hampered the Defendant in presenting his case to the jury".

In two subsequent cases, the Arizona Supreme Court indicated that the defendant in each case was able to understand English and therefore, could not claim denial of due process on this ground. State v. Kabinto, 106 Ariz. 575, 480 P. 2d 1 (1971); Viliorghini v. State, 45 Ariz. 275, 43 P. 2d 210 (1935).

The Natividad decision is a departure from prior cases in establishing a broad test for the right to interpreter services. The Court recognized the affirmative duty of the trial court to determine when an interpreter is required in order to protect the constitutional guarantees of right to counsel, right of confrontation and right to be informed of the charges.

In view of the expanded requirements of due process, the Court's assertion of a non-English speaking defendant's right to an interpreter reflects a conceptually smooth development of law. The approach now is no longer one of an ad hoc determination of possible prejudice, but an automatic presumption of prejudice where a defendant with serious language difficulties is denied interpreter services. In

Natividad, the Court observed:

The inability of a defendant to understand the proceedings would be not only fundamentally unfair but particularly inappropriate in a state where a significant minority of the population is burdened with the handicap of being unable to effectively communicate in our national language. A defendant's inability to spontaneously understand testimony being given would undoubtedly limit his attorney's effectiveness, especially on a cross-examination. It would be as though a defendant were forced to observe the proceedings from a soundproof booth or seated out of hearing at the rear of the courtroom, being able to observe but not comprehend the criminal processes whereby the state had put his freedom in jeopardy. Such a trial comes close to being an invective against an insensible object 526 P. 2d at 733.

F. The Right to Equal Protection

The right of all citizens to equal protection of the laws, as required by the Fourteenth Amendment to the United States Constitution and by the similar provision of the Arizona Constitution (Article II, Section 13), can be viewed as providing an independent basis for the right to an interpreter, without relying on due process grounds. "In criminal trials a state can no more discriminate on account of poverty than on account of religion, race or color. Plainly, the ability to pay costs in advance bears no rational relationship to a defendant's guilt or innocence and could not be used as an excuse to deprive a defendant of a fair trial There can be no equal justice where the kind of trial a man gets depends on the amount of money he has." Griffin v. Illinois, 351 U.S. 12,

76 S. Ct. 585, 100 L. Ed. 891 (1956). See also Douglas v. California, 372 U.S. 353, 83 S. Ct. 814, 9 L. Ed. 2d 811 (1963).

These cases indicate that the rights of the criminally accused are fundamental interests requiring the strict scrutiny or compelling state interest test in examining questions of equal protection. Although no interpreter case to date has so utilized the equal protection argument, the guarantee nevertheless provides the legal basis for the State to assume the financial responsibility for providing interpreter services to an indigent defendant. Although Arizona presently has no specific financial guarantees of legal services other than counsel, the Federal system provides a ready model. The Law Enforcement Assistance Act of 1965 provided that indigents in Federal courts are entitled to counsel paid by public funds and to investigators, experts, and any other services necessary to an adequate defense. 18 U.S.C. 3006 A (a), (e).

III. STAGES IN THE CRIMINAL PROCESS WHERE THE RIGHT TO AN INTERPRETER APPLIES.

Given the similarity in the rationale for the right to counsel and to confrontation with the right to an interpreter, it would be logical to assert that the

rights should apply at similar stages of the criminal justice process. The nexus between the right to an interpreter and other constitutional rights would require that an interpreter be provided whenever the defendant faces the adversary system.

In a recent case, the United States Supreme Court held that the preliminary examination of initial appearance ordinarily constitutes a "critical stage" of the criminal proceedings, and therefore, requires appointment of counsel to assist the indigent. Coleman v. Alabama, 399 U.S. 1, 90 S. Ct. 1999, 26 L. Ed. 2d 387 (1970). See also Kirby v. Illinois, 406 U.S. 682, 92 S. Ct. 1877, 32 L. Ed. 2d 411 (1972).

The Arizona Court in Natividad indicated that due process requires the Court to provide the defendant with "the continuous assistance of a competent interpreter during the pretrial hearing, pretrial conferences with defendant counsel and during the entirety of the trial" Certainly, at the stage in which the right of confrontation exists, an interpreter must be afforded so as to assure that counsel for defendant can and will be effective as is required by law. Powell v. Alabama, 287 U.S. 45, 53 S. Ct. 55, 77 L. Ed. 158 (1932). Since Rule 5.3 of the Arizona Rules of Criminal Procedure states

that all parties shall have the right to cross-examine the witnesses at the preliminary hearing, it would follow that interpreter services must be provided prior to that stage in order to allow defendant and his counsel an opportunity to prepare and consult with his client.

IV. CRITERIA DETERMINING WHICH CRIMINAL DEFENDANTS ARE ENTITLED TO AN INTERPRETER.

In Escobar, 30 Ariz. 159, 245 P. 356 (1926), the Court said that the trial court should have provided an interpreter on its own motion in a capital case or upon request in one of a lesser degree if "the record indicates a failure to provide an interpreter has in any manner hampered the Defendant in presenting his case to the jury." The case itself illustrates a narrow application of the standard. Although the defendant was accused of murder and his counsel asked for an interpreter before trial, the Court held that the denial of an interpreter did not deny him a fair trial in this case because of the nature of the evidence offered in the trial. The defendant had offered no proof to deny or justify the killing. The court also observed that three witnesses spoke in Spanish while English testimony was minor.

The Natividad case, reflecting the expansion of due process protection by 1974, illustrates a more liberal

approach to the determination of the right to an interpreter. Now, where the court is clearly on notice of severe language difficulties the defendant must be informed at the commencement of criminal proceedings that an interpreter will be provided at state expense if defendant needs such services. No longer is there any attempt to analyze the type of evidence to be put forth in the case. In view of the fundamental nature of the various rights involved and their clear attenuation caused by the inability of the defendant to communicate in the absence of an interpreter, the prejudice to defendant's case is presumed automatically upon the denial of interpreter services to a defendant with severe language difficulties. The new test to the right to an interpreter, therefore, examines only the defendant's language proficiency in the English language. The court in Natividad held that the trial court should "determine whether a defendant possesses the requisite degree of fluency in the English language so that his right to confront witnesses, right to cross-examine those witnesses and right to competent counsel will not be abridged." The Court remanded the case to the trial Court "in order that a hearing may be held to establish the nature and severity of any language difficulty and to determine whether the defendant in the instant case was entitled to

be informed of his right to an interpreter under the criteria discussed above."

The determination of the defendant's English language ability has often been a difficult problem in interpreter cases as it was in Natividad, where there was no information in the record in reference to the defendant's ability to speak English, and he had not requested an interpreter at his trial. Indeed, of the few cases dealing with the right to an interpreter, most courts that denied the right to a defendant based the denial upon their finding that the defendant had sufficient fluency in English. See United States v. Sanchez, 483 F. 2d 1052 (2d Cir. 1973); Suarez v. United States, 309 F.2d 709 (5th Cir. 1962); Gonzales v. Virgin Islands, 109 F. 2d 215 (3rd Cir., 1940); State v. Kalinto, 106 Ariz. 575, 480 P. 2d 1 (1971); Viliborghini v. State, 45 Ariz. 275, 43 P. 2d 210 (1935).

Another problem closely related to the defendant's fluency in English is the issue of waiver of the right to an interpreter where neither the defendant nor his counsel requested such services. The United States Court of Appeals in U. S. ex rel. Negron v. New York, 434 F. 2d 386 (2nd Cir. 1970) held the right is not forfeited by a mere failure to request it. The Court said it was not inclined to require "that an indigent, poorly

educated Puerto Rican thrown into a criminal trial as his initiation to our trial system come to that trial with a comprehension that the nature of our adversarial processes is such that he is in peril of forfeiting even the rudiments of a fair proceeding unless he insists upon them." 433 F. 2d at 390. The Court in Negron relied on the "intentional relinquishment or abandonment of a known right" test for waiver set out in Johnson v. Zeibst, 304 U.S. 458, 58 S. Ct. 1019, 82 L. Ed. 1461 (1931). The Court concluded that the Defendant's passive acquiescence and his failure to affirmatively assert the right did not constitute waiver. In answering the prosecutions' contention of waiver by defendant's lawyer, the Court observed that there was no indication in the record that the lawyer's failure to ask for an interpreter was any part of his trial strategy. The court added that there could not have been the motive for such an otherwise self-defeating strategy of deviously setting up the case for reversal, which arguably could allow the defendant to take his chances at two trials, because the right to an interpreter for defendant was not sufficiently clear to guarantee the success of such a strategy. 434 F. 2d at 390; see People v. Ramos, 26 N.Y. 2d 272, 309 N.Y.S. 2d 906, 258 N.E. 2d 197 (1970).

It is apparent the courts should devise a method of insuring that the defendant's fluency in English is ascertained and placed in his official record at the commencement of criminal proceedings. In doing so, the courts would place all parties on notice that the decision and findings in Natividad have application to the instant case.

CHAPTER III
SYSTEM AND ORGANIZATIONAL DYNAMICS-
PROPOSED ADMINISTRATION MECHANICS

I. INTRODUCTION: SYSTEM OVERVIEW

The problem of justice system interpretation for the language handicapped cuts across the boundaries of criminal justice system organizations. When one considers that the vast majority of criminal cases are disposed of prior to trial, it becomes obvious that provisions for competent interpretation at trials is the tip of the iceberg.¹ Solutions and remedies therefore are complex both in terms of the organizations involved, and the coordination mechanisms which will be required. The complexity of criminal justice organizational interrelationships affecting the language handicapped defendant, witness or complainant coupled with the general lack of appreciation of the extent and consequences of an individual's language disability presents a discouraging picture.²

Programs to forcefully face the problem of the language

¹ In fact, even the chapter to follow does not include mention of the mechanisms needed to improve the performance of the Tucson Police Department or the pre-booking stages in general, the City Court and City Prosecutor (see Appendix II) or cases involving defendants who appear at the Initial Appearance in Justice and City Courts on the basis of a Citation or Summons (see Appendix II).

² For reference purposes, brief schematic organization charts for selected Tucson Criminal Justice Agencies are included as Appendix III to this report.

handicapped require intra-organizational cooperation and communication and, under normal circumstances, this cooperation and communication is unlikely. The common observation that the criminal system is a non-system accurately diagnoses a complex reality with both organizational and political dimensions. Leaving aside political considerations, it is clear that by their nature, organizations seek to reduce the likelihood of interruption of internal procedures and practices. Further, organizations, particularly those in the criminal justice system, have limited resources both in terms of the obvious (materials and personnel) and the less concrete (organizational time). It is both impractical and unusual for organizations to focus limited resources on special problem solving efforts, particularly problems that impinge not on the maintenance of the organization or its members, but on a peculiarly troublesome but uninfluential clientele. In all probability, meaningful programs for the language handicapped in the Pima County criminal justice system will not cause that county's criminal justice system to run more smoothly, more quickly or more efficiently. It is crucial that no one misunderstand or ignore this reality.

Detailed and systematic observations within the Court System in Tucson, Newark, New Jersey and other locations confirm the "realistic" orientation to the problem advocated here. When interpretation is available, the length of the trial or

arraignment process takes at least 100% and often over 200% longer than when it is not.³ In addition, even in the best administered system, standard operation procedures become, to some extent, interrupted, derailed or disjointed. In the courtroom context, the extent of the interruptions, derailments and disjointedness varies with:

- . the skill and training of the interpreter
- . the experience and skill of counsel and the bench in dealing with the language handicapped "context"
- . the extent and particular nature of the disability of the language handicapped individual
- . the degree of the commitment of organizational participants to the notion of assuring the protection of basic rights and fairness for the "crippled" person.

Due to the complexity that the language handicapped introduces to criminal justice organizations, it is to be expected that whenever possible an individual's difficulties in negotiating the system will be ignored or disregarded. Structured and systematic observations in Tucson, Newark, Ventura, California and in Los Angeles confirm the striking tendency to which justice system ignore or disregard language disability. Selective but systematic observations made in Tucson at the

³ Lopez, Peter and Rodriguez, Interpreters' Effect on Quality of Justice of Non-English Speaking Americans, Institute for Court Management, Denver, 1973.

Rodriguez, Refugio, "Newark Municipal Court Present Existing Situation of Court Interpreters and Language Services," Institute for Court Management, Denver, Colorado, 1972 (unpublished).

Justice and Superior Courts' Clerk's Office and at the arrest, booking, arraignment, and trial stages of the process for both misdemeanor and felonies confirm that interpreter service is provided to a maximum of 50% of those requiring some interpretation assistance.⁴ Service, when provided, is generally given for the convenience of criminal justice system organizations rather than in an effort to help individuals or protect due process rights. In short, the informal criteria used by the system to determine when interpreter services are required is that the disability must be severe enough to interrupt the system's standard operating procedures. This is true even in Tucson where there is a large Spanish-speaking clientele and a genuine responsiveness to the problem. Even the Pima County Superior Court, which regularly provides interpretation for the Court when a "handicapped" defendant is on the stand and cannot be understood by the court, has inadequate provisions for informing that same defendant about what is going on during that same trial in even a summarized way. As a result, the defendant is deaf and mute, and unable to participate in his own defense, even in the courtroom.

Although difficult to justify, the apparent inability of criminal justice systems to accurately perceive and respond

⁴ Interpretation need was determined by observational criteria as defined in Appendix I of this report.

to the problem in its full dimensions is understandable. Bureaucratic organizations demand regularity and standardization of work sequences, and thus standardized categorization of work to be processed (in this case language handicapped individuals). Categorization is made in the interest of organizational predictability, certainty, and smoothness of processing. Predictability and certainty equates here with the appearance of justice, and as such are important goals of the justice system. Thus, to the considerable extent that discrimination and injustice exists in the Pima County Criminal Justice System as regards the language handicapped, it is unconscious and, indirectly a result of the system's effort to be predictable, efficient and regularized.

The commitment of the Tucson system to find solutions to an acknowledged problem necessarily will be dampened by the normal pressures to get work done and operate according to impersonal but necessary bureaucratic constraints. This fact of the system's organizational life dictates that there be clarity about: the organizational interrelationships that interact around the problem of interpretation in Tucson; procedures causing the ineffectiveness of existing practices; and, the specific sequences of the workflow within the Pima County criminal system which constrain the realistic para-

meters of problem solutions. Each of these three areas of
1) organizational interrelationships, 2) procedures which
are ineffective, and 3) particular patterns of workflow which
constrain program planning will be dealt with momentarily.
Prior to that diagnosis, a brief statement concerning adminis-
trative leadership relative to the problem requires brief dis-
cussion.

II. THE ROLE OF ADMINISTRATION IN GENERAL: THE COURT IN PARTICULAR

To be effective, programs dealing with the language handicapped must be integrated with the normal organizational sequences and procedures at all levels of the system. Technical knowledge and skill relating to the problem will offer no relief if solutions do not touch the processes by which
1) organizational resources are distributed; 2) specialists are deployed; 3) work sequences are organized; 4) organizational members rewarded and; 5) statistics relating to overall organizational performance are calculated. Because problems associated with the language handicapped do not confine themselves to the boundaries of organizations, but generally follow the progress of defendants through the system, solutions involve the allocation of resources at the Inter-organizational (Police, Sheriff, District Attorney, Public Defender, Proba-

tion, Justice and Superior Court) and intra-organizational levels (between and among departments within a given criminal justice organization for example, the Superior Court Clerk's Counter Personnel, and individual courtroom and officials responsible for calendaring cases).

The organizational leaders of the involved agencies must take the initiative for setting the conditions, tasks and time frames for the accomplishment of work by competent language specialists leading to an integrated county-wide approach to the complex interpretation problem. No policy decision or study recommendation will be self-executing and, as outlined below, problem solutions are likely to be dampened at every step of their implementation. In order to insure that the necessary division of work between and among the affected organizations and departments is even minimally effective, strong and committed administrative leadership is demanded. Each administrative leader has a duty to view the problem in a way that transcends his "trained incapacity" to see problems in any other way but in terms of his particular agency.

Among affected agencies, the strongest responsibility for leadership falls to the Superior Court to 1) oversee the initial results of the increased activity of other actors in the system, 2) increase its own level and style of involvement

and, 3) systematically monitor the resultant programs to provide to itself a device for understanding how well the program is operating.⁵

The reasons for placing the dominant leadership role in the courts while complex, basically reduce to two. The court has 1) centrality in the process and, 2) a special institutional decision-making responsibility. The court has the advantages of timing and location, and jurisdiction over matters relating to due process and the fair administration of due process normative imperatives. The problem of the language handicapped, and the particular role that logically falls to the court's leadership toward its solution, mandates a response that is forceful and activist.

Some may object to this activist strategy finding the initiatory responsibility for procedural fairness to lie with defense counsel on a case by case basis; shifting the court's role from leadership to refereeship. The common law doctrine of the private prosecution of rights in every area of American life has never worked well for the poor, never mind the language handicapped poor. The language handicapped require systematic administrative protection. A chief concern of the common law is the protection and security of individual rights. The courts have never been able to insure these rights

⁵On pages 73-74 of this report, minimal quantitative statistical measures are recommended.

or even the integrity of their own decisions and institutional commitments, solely in a referee role.

Solutions are not merely a matter of the Court mandating practices or taking on responsibility for operational programs in every detail. Unilateral action and/or the taking of more responsibility than could be exercised competently by the court would be disastrous. The broad role proposed here is that of leadership, taking an institutional responsibility to insure that the goal of equal justice and due process is better implemented even at the expense of administrative efficiency and procedural smoothness.

An examination of the typical dynamics and sequences of criminal caseload in Pima County reveals when and where interpreter services are needed and realistic ways for distributing and organizing the daily responsibility for providing adequate interpreter services.

III. ORGANIZATIONAL INTERRELATIONSHIPS, INEFFECTIVE PROCEDURES PATTERNS OF WORKFLOW CONSTRAINING PROBLEM SOLUTIONS

The following descriptive narrative chart is intended to give a rough overview of the flow of criminal cases in Pima County and the agencies involved by the stage of the process. As possible, this charting of the system seeks to comprehend the presence or absence of bilingual personnel and/or qualified

interpreters, paperflow, forms, and typical language transactions at each step.⁶ When viewed from this perspective, the organizations of the existing system suggests methods for realistically attempting to protect the fundamental rights of the language handicapped with administrative mechanisms. Sequences of the process where services provided at one stage of the process can be integrated with the flow to subsequent stages with a minimal degree of disruption, and the maximum potential impact are similarly apparent. Any chart of this type will tend to distort and oversimplify the actual system being described and the following representation of the system is no exception.

⁶ A number of the forms utilized in the Pima County Courts are included in Appendix IV of this report. Several of these forms have been translated under the direction of the Arizona Supreme Court. The translated versions are included in Appendix IV.

	<u>PHASE I</u>	<u>PHASE II</u>	
STAGE OF THE PROCESS	INITIAL CONTACT W/LAW ENFORCEMENT AGENCY TRAFFIC CITATION MISDEMEANOR CITATION TRAFFIC FELONY SPONTANEOUS PRE-ARREST PROCEDURES	ARREST/RELEASE BOOKING TRANSPORTED DETAINMENT RELEASE/ NOT CHARGED BAIL PHONE CALL STRIPPED/VALUABLES INCARCERATION PROCESS	HOLD FOR OTHER JURISDICTION
AGENCIES INVOLVED	TUCSON POLICE DEPT. SHERIFF DEPARTMENT	TUCSON POLICE DEPT. SHERIFF DEPARTMENT CORRECTIONAL VOLUNTEERS	ADULT PROBATION BAIL BONDSMAN PRIVATE COUNSEL PUBLIC DEFENDER
PAPER FLOW FORMS	CITATION POLICE REPORT ARREST SLIP	ARREST INFORMATION CITED TO APPEAR DEMOGRAPHIC INFO/PRISONER INTERVIEW NATURE OF CHARGE CASH CARD PERSONAL PROPERTY ENVELOPE BOOKING NUMBER/BOOKING REPORT INTERVIEWS/BAIL/OR VISITORS INSTITUTIONAL RULES VOLUNTEER CARDS	PHOTOGRAPH INFO. TO: JUSTICE COURT COUNTY/ATTORNEY PUBLIC DEFENDER ALCOHOL INFLUENCE REPORT STRIP/SKIN SEARCH INTERIM COMPLAINT RELEASE QUESTIONNAIRE
LANGUAGE TRANSACTIONS	MIRANDA WARNING QUESTIONING/INTERROGATE	QUESTIONING/INTERROGATE FAMILY CONTACT/HOME BAIL BONDSMAN COUNSEL INTERVIEW/ORIENTATION TO INSTITUTION DORMITORY	ATTNY. INTERVIEW PROBATION INTERVIEW MIRANDA WARNING CORRECTIONAL VOLUN- TEER INTERVIEW
BILINGUAL PERSONNEL	YES/NO SPECIAL PROVISIONS	YES/NO SPECIAL PROVISIONS	
NOTES/LOCATION	COMMUNITY SICK/INJURED	COMMUNITY/DETENTION CENTER (FELONY MEN) COMMUNITY/ALL FEMALE ANNEX (MISDEMEANOR NEW)	

PHASE III

PHASE IV

STAGE OF THE PROCESS	PHASE III	PHASE IV
AGENCIES INVOLVED	PUBLIC DEFENDER CITY ATTORNEY SHERIFF CORRECTIONAL VOLUNTEERS BAIL BONDSMAN PROBATION LOWER COURT JUSTICE COURT	JUSTICE COURT SHERIFF-INCARCERATION CORRECTIONAL VOLUNTEERS PROBATION
PAPER FLOW/FORMS	WAIVE PRELIMINARY HEARING INTERIM COMPLAINT/FORMAL COMPLAINT CASE NUMBER/PRISONER DOCKET ENTRY AND FILE FOLDER SET TRIAL FOR MISDEMEANOR NOTICE FOR PRELIMINARY HEARING CERTIFICATION HTA/BOND RELEASE QUESTIONNAIRE SET SENTENCING DATE, SENTENCING, PRESENTENCE REPORT(MISDEMEANOR)	SENTENCING DATE (FELONY) PRESENTENCE (FELONY) NOTICE TO APPEAR ARRAIGNMENT SUPERIOR COURT (FELONY) INFO TO SUPERIOR COURT/DOCKET ENTRIES
LANGUAGE TRANSACTIONS	CHARGES/RIGHTS FINANCIAL STATUS MOTION/INTERVIEW W/ ATTORNEY/FRIENDS	INTERVIEW/INTERROGATION PROBATION INVESTIGATION/PRE-SENTENCE NOTIFICATION OF DISPOSITIONAL ALTERNATIVES (PLEA BARGAINING PROPOSALS)
BILINGUAL PERSONNEL	YES/NO SPECIAL PROVISIONS, SPECIAL UNTRAINED	NO SPECIAL PROVISIONS
NOTES/LOCATION	JUSTICE COURT/JAIL, SIGNS?	JAIL/COUNSELOR'S OFFICE/JUSTICE COURTS GRAND JURY

PHASE V

PHASE VI

STAGE OF THE PROCESS

ARRAIGNMENT SUPERIOR COURT
HELD TO ANSWER

TRIAL
SUPERIOR/JUSTICE COURT

SENTENCING (MISDEMEANOR)
TRIAL/SENTENCING DATE (FELONY)
MOTIONS
PLEA BARGAINING

SENTENCING
SUPERIOR/JUSTICE COURT

AGENCIES INVOLVED

SUPERIOR COURT
JAIL/DETENTION
PRIVATE COUNSEL
PUBLIC DEFENDER
COUNTY ATTORNEY
PROBATION DEPARTMENT
CORRECTIONAL VOLUNTEERS
JUSTICE COURT

SUPERIOR COURT
JUSTICE COURT
JAIL/DETENTION
PRIVATE COUNSEL
COUNTY ATTORNEY
PUBLIC DEFENDER
CORRECTIONAL VOLUNTEERS
PROBATION/COURT CLINIC

50 PAPER FLOW FORMS

NOTICE TO APPEAR
PRE-SENTENCING REPORT
SENTENCING DATE
REQUEST FOR INTERPRETER
COURT ADMINISTRATOR
PSYCHIATRIC REPORT

NOTICE TO APPEAR
PRE-SENTENCE

LANGUAGE TRANSACTION

CHARGES/RIGHTS
INTERVIEW/INTERROGATE

INTERVIEW AT TRIAL
COUNSEL'S TABLE
TESTIFY

BILINGUAL PERSONNEL

YES SPECIAL
PROVISIONS ARE
AVAILABLE - UNTRAINED

YES SPECIAL PROVISIONS
UNTRAINED

NOTES/LOCATION

SUPERIOR COURT
JAIL
JUSTICE COURT

SUPERIOR COURT
JUSTICE COURT
JAIL

PHASE VII

PHASE VIII

STAGE OF THE PROCESS

PRE-SENTENCING
PROBATION REPORT
COURT CLINIC
PSYCHIATRIC

SENTENCING DATE
ALTERNATIVE DISPOSITIONS

AGENCIES INVOLVED

SUPERIOR COURT (FELONY)
JUSTICE COURT (MISDEMEANOR)
PROBATION DEPT./COURT CLINIC
JAIL/DETENTION

SUPERIOR COURT
JUSTICE COURT
PROBATION
JAIL/DETENTION
PUBLIC DEFENDER
PRIVATE COUNSEL
COUNTY ATTORNEY

PAPER FLOW FORMS

PRE-SENTENCING REPORT
INFO. TO COUNSEL

PRE-SENTENCING REPORT

LANGUAGE TRANSACTION

INTERVIEW CLINIC/
PROBATION PERSONNEL

QUESTIONING FROM BENCH

BILINGUAL PERSONNEL

YES/NO SPECIAL
PROVISIONS

YES/NO SPECIAL
PROVISIONS

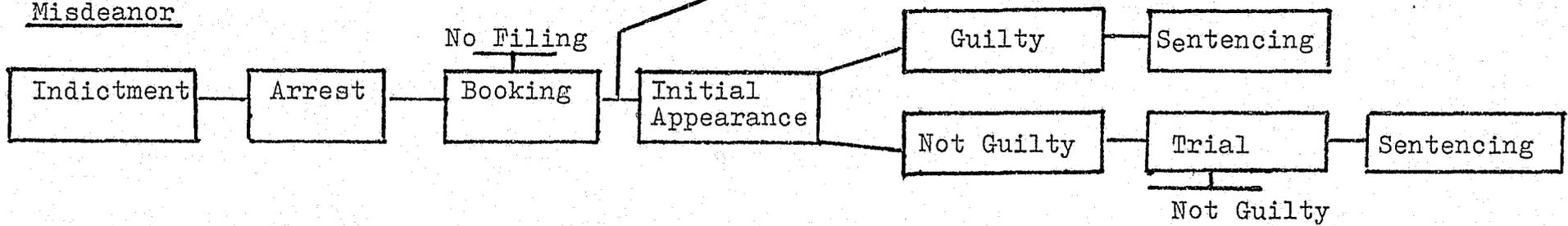
NOTES/LOCATION

JAIL/SUPERIOR COURT
COMMUNITY

JAIL/SUPERIOR COURT
JUSTICE COURT

Justice Court

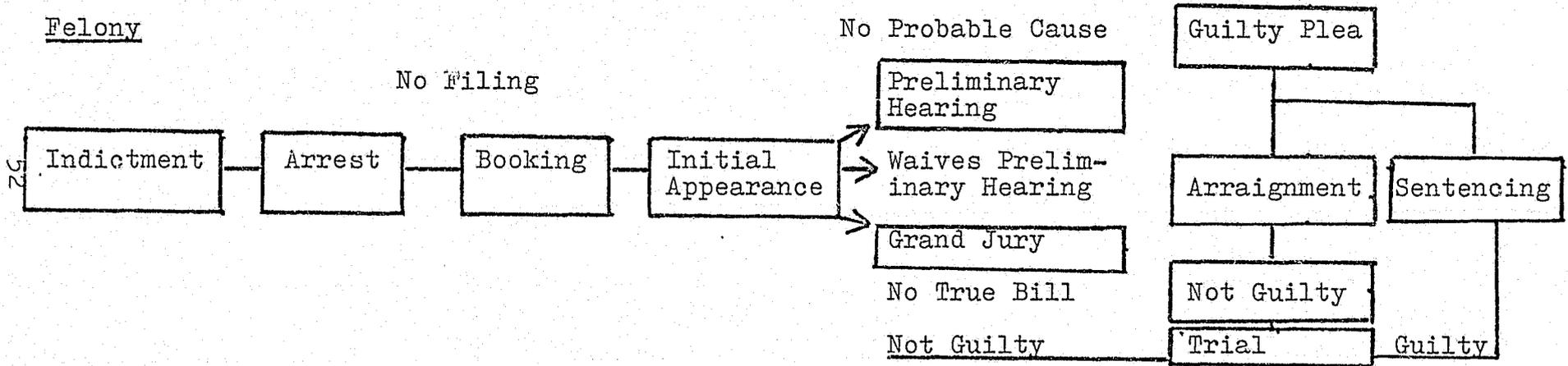
Misdemeanor



Justice Court

Superior Court

Felony



VERY SIMPLIFIED SCHEMATIC DESCRIPTION OF THE PIMA COUNTY CASE FLOW (CRIMINAL)

Prior to a discussion of the obvious procedural weaknesses in the Pima County System, it is useful to summarize the language transactions at each stage of the criminal process. This language analysis is covered again in greater depth on pages 77 through 82 of Chapter IV of this report.

IV. LANGUAGE ANALYSIS BY PROCESS POINTS

A. Arrests

Most classes of arrests require the police to advise arrestees of their right to remain silent and their right to an attorney. These are standardized language transactions that could be taught to many people. higher language expertise is called for when an interrogation is extended.

Traffic citations and citations for minor misdemeanors require advisement as to court date and any options the defendant may have as to payment of fines and actual appearance at Justice Court. Language transactions are both standardized, and spontaneous and unpredictable at this stage.

B. Booking

Each activity at booking - cash card, phone call, personal property envelope, fingerprinting, prisoner interview, etc., is fairly standardized, although spontaneous unpredictable language transactions often occur.

Bail posting and ROR release interviews by Correctional Volunteers for felonies are fairly standardized although the second (ROR interviews) may be diversified, particularly if ROR interviewers are questioning defendants with the County Attorney's diversion program in mind. Within the detention facility, interrogation requires good language skills in order to insure that questioning is both just and efficient. Interactions follow a standard question - and - answer format, and the interaction, although predictable, are by no means uniform.

C. Initial Appearance

D. Preliminary Hearing -----Arraignment

E. Preparation of Case

F. Trial

G. Sentencing

The specific language requirements for each of these last stages vary from standardized to highly intricate and complete interactions. The sentencing process which is considered to include pre-sentence investigations by probation and psychiatric reports by the Court Clinic requires questioning of the defendant, and field investigations. The range of activities at these latter stages while often standardized and predictable, do require sufficient language skills to respond to unpatterned communication, often with use of a special vocabulary.

V. CLASSIFICATION OF INTERPRETER TECHNIQUE BY STAGE OF THE PROCESS

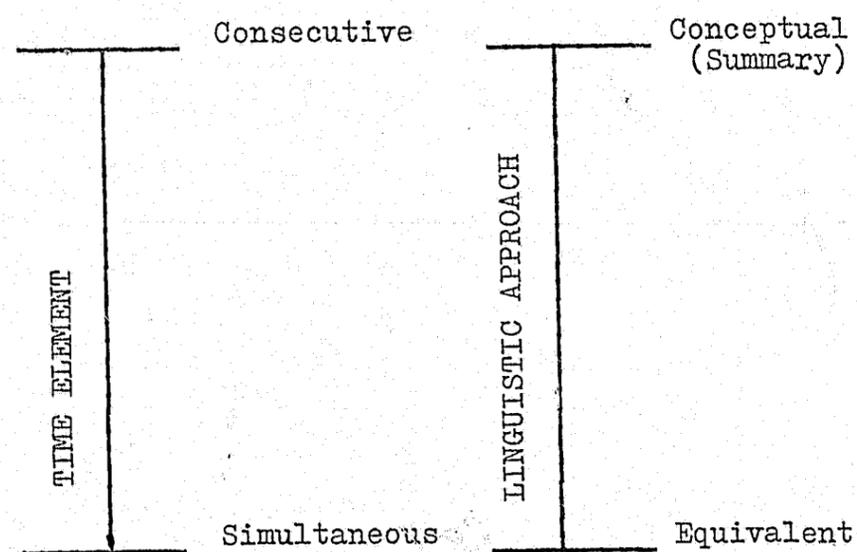
To better define the way the justice system in Pima County interacts around the language handicapped defendant, a conceptual framework for classifying the techniques required at each stage is needed.

The techniques in relation to the time element and linguistic approach are then placed on a continuum to signify that no method or technique is absolute. In fact, simultaneous and verbatim translation is virtually impossible.

Simultaneous is a mode in which interpretation is made of a speaker's words as closely in time to the speaker's words as possible. Consecutive is a mode of language interaction in which one speaks and another responds.

The Conceptual (or Summary) linguistic approach indicates an interpretive mode in which the ideas or meanings of a speaker are transferred without an attempt to transfer an exact or Equivalent translation of a speaker's words.

This conceptual framework can be schematically represented as follows:



Building on these definitions, it is possible to briefly classify the steps and stages at each identified phase in the process, according to the interpreter techniques required at each point. Stated briefly, these are as follows:

A. Arrest/Booking

Generally requires Consecutive techniques regarding the time element, and, for the most part, Conceptual or Summarized methods as regards the linguistic approach.

B. Interrogations/Interview Attorney Conference Pre-Sentence Report, Interim Period Between Court Appearance

Each of these phases require Consecutive and Conceptual or Summarized forms. As a general rule, an interpreter does not have to have the ability to interpret simultaneously at these stages. Interactions are not predictable and good command of two languages with a variety of vocabulary may be required.

C. Initial Appearance, Preliminary Hearing, Superior Court Arraignment and Sentencing

Simultaneous translation may occasionally be called for, although these proceedings generally require Consecutive techniques. Regarding the linguistic approach, these two proceedings commonly require very rigorous, Equivalent translations of highly technical but standardized and repetitive messages. In addition, a good capacity to perform in the context of spontaneous interactions may be required of interpreters.

D. Trial

The trial as a keystone but relatively infrequent event, requires interpretation along both continuums. High simultaneous skills are definitely required.

E. Summary and Implications

From this rather simple classification of the phases of the process and required interpreter competency, it is clear that a variety of language skills are involved at the various phases of the process.

The integration of the delivery of language assistance to the language handicapped thus takes on a new dimension: provisions for interpreter bilingual expertise that is suited to a given phase or event within the process. Thus, it is not enough for the various agencies and departments to move affirmatively toward the administrative protection of the language handicapped by more effective utilization and training of bilingual personnel. It is impractical for each agency to have full time people who are expert in every aspect of interpretation and translation. The key administrative questions are:

- (1) Simple, non-time consuming methods and procedures which insure that language handicapped individuals are identified early in the process and, intelligence gathered about a given defendant at each stage of the process is transferred to other agencies at later points.

- (2) A central pool of high expertise and skill must be readily available to the system as a whole. The expert pool would serve not only to insure the presence of high skill when it is needed, but act as evaluation and research and development management component relative to the problem of the language handicapped.
- (3) Provisions for the effective and efficient utilization of less skilled but trained bilingual personnel to supplement the central pool of high interpreter expertise and skill.

F. Ineffective Procedures

As it presently operates, the language delivery system has no way to, 1) systematically diagnose language disability, 2) communicate the existence of such disabilities from agency to agency or even within separate agencies, or 3) take a reasonably integrated approach to the language handicapped. The present approach is a "hit and miss" affair without continuity.

If interpreters are needed to facilitate the processes of the justice system, they are called in from among personnel who are normally "on site" and performing additional duties. Most of these individuals are untrained English-Spanish-speaking personnel whose interpreter skills are unassessed, and utilized mainly for the convenience of the system.

VI. ADMINISTRATIVE INTEGRATION TOOLS

A. Initial Language Disability Diagnostic Test

It is crucial that a systematic effort be undertaken to determine the presence or absence of language disability at an early point in the process. The ad-hoc approach for determining disability which presently exists is not adequate. Time and contextual constraints in the arrest situation makes it unrealistic to place the responsibility for the systematic determination of language disability with arresting officers.

Although a professional interpreter may find a quick assessment of a defendant's language disability by a Correctional Volunteer Center Interviewer to be inappropriate, this is the logical method for approaching the problem.

As presently conceived, the administration of the Initial Language Disability Diagnostic Test would involve the following steps:

- (1) Once through the Booking procedure, every defendant with a Spanish surname or of obvious Spanish descent would be administered an oral diagnostic test.
- (2) The diagnostic instrument would be administered by the Correctional Volunteer Interviewer subsequent to the taking of personal property and the workup of the Prisoner

Interview Sheet. In the downtown facility in Tucson, this means that well after a Spanish defendant enters the Booking Room from the Cash Room, he would be administered the oral diagnostic test. Most of these interviews are conducted over a one to two-hour period, beginning at 8 a.m. on weekdays and 7 a.m. on weekends. In the case of defendants who are not interviewed by the Correctional Volunteers at Central Detention due to a late arrest or because they were held in the Annex (supplemental detention facility for all Misdemeanor defendants), the Correctional Volunteer Interview would be conducted in a Court Holding Area, or in selected cases, in the Justice Arraignment Court itself.

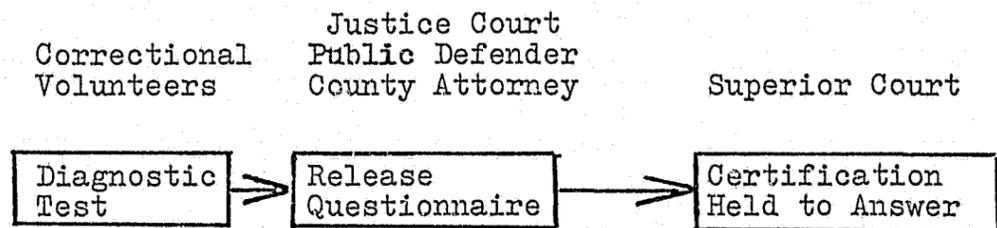
- (3) The oral test should take a maximum of one and a half minutes to administer. It needs to be a set of questions that even a non-Spanish interviewer could ask of a Spanish descendant defendant to determine the presence or absence of a language disability.
- (4) The diagnostic test will only answer the simple question: Is or is not this individual language handicapped? No precise determination of the disability, particular dialect, educational level, stylistic preference, etc... will be determined.

- (5) The diagnostic test must be administered to all defendants of Spanish descent.
- (6) The test must be designed to insure that it can be given informally and quickly.
- (7) If it is determined that a language disability is present, a "red flag" must follow the defendant's file. This "red flag" must follow the defendant throughout the system.
- (8) Each "red flagged" defendant will receive a short notice (written in Spanish) informing him that he has been judged "language handicapped." This notice should give a brief description of the process through Booking and his right to request the assistance of an interpreter at any time in the process.

The document generated prior to Initial Appearance which is most likely to be viewed by all the other agencies is the Release Questionnaire.⁷ Consequently, it is proposed that every Release Questionnaire which involves a defendant who has been identified as language handicapped be "red flagged." This initial identification can then be integrated into the files and forms utilized by the Justice Courts, the County Attorney, and the Public Defender. In the case of the Felonies taken to the Grand Jury to establish probable cause, the County Attorney should take the responsibility for informing the system of its need to provide competent interpretation at the Grand Jury. In

⁷ See Appendix IV for a copy of this form.

the event that a true bill is returned by the Grand Jury, or a preliminary hearing conducted by the justice hearing establishes probable cause or, if the probable cause hearing is waived, it would fall to the Justice Court to insure that the Superior Court is systematically informed of a defendant's disability. A convenient form for transferring intelligence as to presence of a defendant's disability from Justice to Superior Court is the Certification Held to Answer (reverse side of the Formal Complaint)⁸. To summarize the flow of work and forms relating to 1) the systematic determination of language disability and 2) the systematic inter-agency transfer of the information that a given individual has a language handicap is as follows:



The testing and "red-flagging" of a given defendant held in Detention proposed procedure will insure that each of the major criminal justice agencies will be notified of an individual's disability and, thus, decrease the chances of the system overlooking a handicapped defendant.

⁸ See Appendix IV for a copy of these forms.

Once this information enters the Office of the County Attorney, Justice Court or Public Defender from the Correctional Volunteers, procedures internal to each department must be established to insure that intra-organizational communication is present. This is also true of the Superior Court. It is best to leave the determination of these practices to the individual agency. It is expected that the systematic "red-flagging" of language handicapped defendants will better enable each agency to evolve internal policies and practices which will more likely insure adequate language assistance to handicapped defendants.

The "red-flag" notation is most easily made by the application of a rubber stamp (2" X 3") with the notation Language Handicapped on the forms as outlined. Every copy of each form must be stamped to insure that the information flows from agency to agency.

B. Limitations of the Proposed Procedure When Compared to An Ideal Justice System Interpreter Model

As outlined, the procedure leaves a bit desired when compared against an Ideal Interpreter Model. In spite of these deficiencies, the proposed procedures are recommended because they are practical. The measures recommended should noticeably increase the probability of a more uniform and just treatment of the language handicapped individuals without an undue disruption of

the existing workflow patterns. It is on this basis, "the criteria of practicality", that the Initial Language Disability Diagnostic Test and accompanying procedures are proposed. Nevertheless, when compared to an Idealized Interpreter Model, the proposed plan is deficient. The deficiencies basically reduce to two.

First, the plan leaves out the Sheriff's Detention Personnel. As a result, it is unlikely that the existing procedures as regards the Language Handicapped Defendant in the Booking process specifically, and the Detention experience generally, will be improved. At first glance, this suggests that the responsibility for the Initial Diagnostic Test should be placed with the Booking Officers, who subsequently would transfer the information to Correctional Volunteers. In this scheme, the Correctional Volunteers then could place the "Red Flag" on the Release Questionnaire, thus passing the information to the remainder of the affected Pima County Criminal Justice Agencies. A broad base of experience in the field indicates that such a procedure, while feasible, diffuses responsibility too widely and introduces an impractical degree of inter-organizational complexity. There is a second alternative which would avoid the inter-organization complexity problem and yet be inclusive of the Booking process within the Detention facility. In addition, this second procedural solution would tend to eliminate the second deficiency area in the proposed plan.

The proposed plan further extends the redundancy of information-gathering by Booking officers and the Correctional Volunteers.⁹

In the second scheme, an interview which combines the intelligence-gathering of the Sheriff's Booking Officers, the Correctional Volunteers Pre-Trial Release Interview and the Initial Language Disability Diagnostic Test would be implemented. The information gathered relative to the language problem then would be transferred to other justice agencies by means of the Release Questionnaire or its equivalent. Most importantly, the new integrated interview (which would include consideration of indigency and the appointment of counsel) would occur at an early part in the Booking process. For example, at the Pima County Central Detention Facility, the "integrated" interview could occur after a defendant was relieved of his cash, and removed into the Booking Room from the Cash Room. In view of its obvious benefits, one might ask, "Why isn't this procedure recommended in this report?"

First, the inviolate principle of the project was to propose methods for addressing the Interpreter problem which will increase the effectiveness of the system wide interpreter program with a minimal disruption of existing processes. This latter proposal of an early

⁹ See Appendix IV and compare the information gathered for the Release Questionnaire and Arrest Slip.

and more integrated interview would necessitate major changes both in terms of workflow and present organizational responsibilities. For example, who should conduct the new interview, the court-related Correctional Volunteer Center or the Sheriff's Booking Officers? The assignment of this crucial function to either the Correctional Volunteers or the Sheriff would raise difficult political and complex philosophical issues as to the proper division of responsible authority between the Judicial and Executive branches of government. Beyond this, extensive changes in the existing patterns of work and paperflow would be required. These practical barriers prevent the Interpreter Project Staff from recommending the new interview. At a future time, however, the Justice Agencies in Pima County may want to give serious consideration to a revision of their present procedures in the "front end" of the Criminal Caseflow process.

In view of the somewhat flawed but practical nature of the proposed procedure, it is important that extra effort and organizational resources be extended by the Sheriff's Department in order that they can better meet their responsibilities to the language handicapped. This response must be internally generated without the systematic "push" of the Initial Diagnostic Test. In sum, the proposed procedures, while representing a great improvement over present practices,

have two basic deficiencies, 1) the absence of an early diagnosis which precedes most of the Booking process and thus includes the Sheriff, and 2) the further extension of the redundancy of the interviews conducted by the Correctional Volunteers and Booking Officers. It would be naive to an extreme for anyone to assume that once any procedures solely related to the "front end" of the process are implemented, all the identified problems will be solved. Much more will be required. At a minimum, three additional administrative mechanisms appear necessary.

- (1) Centralization of interpreter expertise and selected interpreter functions. This includes consideration of the upgrading, evaluation, training and supervision of English-Spanish-speaking.
- (2) More precise diagnosis of the specific nature and characteristics of selected language handicapped individuals.
- (3) Statistical Collection Relating to Interpreter Services.

C. Centralization of Interpreter Expertise and Interpreter Functions.

At present, the delivery of the full range of interpreter services is hampered not only by ineffective administrative procedures, but also by the unavailability of consistently high quality, professional interpretation. Persons who interpret, even at the trial stage of the process, are not professional interpreters. The present interpreters are actually self-taught English-

Spanish-speaking employees who also officially serve the court as Law Librarians (2), Bailiff (1), or Court Clerk (1). Even though these persons are not presently Justice Interpreters by the standards set in this report, their skills are, in the opinion of experienced observers quite high in comparison to other interpreters observed. No identifiable pool of interpreter expertise is organizationally legitimized. This lack of legitimation discourages quality service on a system-wide basis. There are no central professionals or professional, who would tend to pull together a system-wide approach; supervise, train, and oversee the use of bilingual employees; evaluate the effectiveness of existing programs towards more effective programming or serve as a resource for the translation of forms, exhibits or public information for the Spanish-speaking clientele and justice agencies. Therefore, it is recommended that:

Two full-time Justice Interpreter positions be created with specific job descriptions, job qualifications, and job duties. (See pages 119-125 of this report.)

Two full-time Justice Interpreters would create an identifiable pool of interpreters who, while under the direct supervision of the Superior Court, could serve the system as a whole. The Justice Interpreters would have responsibility not only for their primary task of providing expert interpretation, but for the major evaluation and technical assistance role in the system as a whole. In essence, this plan represents an increase of the Court's central responsibility for the delivery of interpreter services. Nevertheless, the daily supervision and deployment of bilingual employees in other agencies would remain decentralized in each agency. As regards the interpreter

system as a whole, the proposed structured is neither centralized nor decentralized. The increase in central responsibility with the court does not imply a corresponding decrease in the administrative authority of the Tucson Police Department, the Sheriff, the County Attorney or the Public Defender. However, minimal standards for bilingual personnel as regards language skill would be maintained under the jurisdiction of the City and County Personnel Departments. The skilled interpreters should take on a continuous responsibility for overseeing the performance of qualified bilinguals and advising the City and County Personnel Departments as to their findings.¹⁰

It is not practical to create a separate office solely concerned with Justice Interpretation and translation. The present ad hoc and totally decentralized approach to the problem is also unacceptable. The proposed plan seeks to leave discretion relating to the construction of internal workflow patterns with the affected agencies without allowing the major deficiencies that result from the void of central responsibility to cripple the future delivery of language services. Chapter V (Personnel) of this report presents more detail as to the practical aspects of the proposed method for organizing the delivery

¹⁰ For further discussion concerning the qualifications and selection of bilingual employees within the separate justice agencies, see pages 132-135 of this report.

of language services.

The justification for the two full-time Justice Interpreter positions is primarily subjective. If present workloads remained constant both in terms of the quality and quantity of interpreter workload, no clearcut justification of the two new positions would be possible. Nevertheless, it is apparent that enough needs to be done day-to-day to occupy two skilled Justice Interpreters. As outlined earlier, job duties of the two Justice Interpreters would extend beyond expert interpretation at trials, arraignment, preliminary hearings, the Grand Jury, initial court appearances, or during interrogations. At present, one skilled English-Spanish-speaking employee is assigned to Initial Appearance in the Justice Courts each afternoon of the week (7 days a week). In addition, for a minimum of two hours on two days a week, a skilled English-Spanish-speaking justice employee is utilized at the Superior Court Arraignment. On the basis of this and additional trial work, the need for one full-time person is more than apparent. Short of contracting for service, a second Justice Interpreter insures the avoidance of injustice, and/or delay due to the inaccessibility of an interpreter. While contractual services on an as needed basis is feasible, the services of a quality piece rate worker may be difficult to obtain on short

notice. In addition, the administrative arrangements for contractual services, while not overwhelming, are demonstrable. More significantly, the initial expansion of the total program to cope with the language handicapped will require considerable staff support. While this is not, in itself, a good rationale for creation of a second permanent full-time position, it does lend support to the expansion of the court's staff to include two new positions. The model justice interpreter system study project staff feels that the expansion of the language assistance program to meet the real need for language assistance, monitor and assist in the performance of an expanded program throughout the justice system program more than justifies two permanent full-time justice interpreter positions.¹¹

D. More precise Diagnosis of the Specific Nature and Characteristics of Selected Language Handicapped Individuals

After an individual is designated as being language handicapped, the application of the full interpreter resource is not always justified. Many cases are dismissed or plead out early in the process. When it becomes obvious

¹¹ Beyond the creation of two full-time positions, it is important for the court to maintain an active list of other qualified interpreters. These interpreters should be tested on the same basis as regular employees (See pages 135-144). Individuals on the list of qualified interpreters may be useful to the system in the case of unusual concentration of workload, sickness or vacation of regular interpreters.

that a given defendant will go to trial, particularly those who will testify on their own behalf, it is appropriate for a skilled interpreter to conduct an interview with the defendant to determine peculiar speaking habits and dialects. A second benefit of a more precise determination of the nature of a given person's language disability is the interpreters' learning of a defendant's questions or misconceptions about the criminal process.

It is therefore recommended that all defendants with a language handicap who are scheduled for trials or extended preliminary hearings in the Justice or Superior Court, be given a 30 to 45 minute interview with a justice interpreter to more precisely determine the nature of his language disability. This interview should occur prior to the day of the court hearing in question.

E. Statistical Collection Relating to Interpreter Services

In order to realistically evaluate the effectiveness and efficiency of the program, regular statistical collection is necessary. The following statistics are minimal:

- (1) Total number of defendants identified as language handicapped by:
 - a. Type of case/offense
 - b. Section of city (home address)
 - c. Location of arrest
 - d. Correctional Volunteer who made the initial determination of a defendant's language handicap.
- (2) Interpreter workload on a monthly basis:
 - a. Total number of interpretations by stage of the process (in the courtroom).
 - b. Total number of interpretations outside the courtroom but in work directly related to the court system.
 - c. Total number of interpretations at the request of other justice agencies.
 - d. Total number of interpretations at the request of other county or city agencies.
 - e. Measure of work in the translation of forms, documents, court exhibits, and public information by:
 1. Justice agency requesting service
 2. Type of translation

- (3) On a random basis, the systematic collection of the language work performed by bilingual employees by:
 - a. Justice agency
 - b. Stage of process

The collection of these minimal bits of quantitative data when joined with more subjective but qualitative measures will better enable the interpreters to perform their secondary duties of overseeing the delivery of interpreter services on a county-wide basis. Qualitative information as to nature of language contacts between the language handicapped and bilingual personnel is also necessary. Ongoing training of bilingual employees on the basis of qualitative and quantitative intelligence is needed. Both judges and counsel need to be informed about the language handicapped context in the courtroom. There are observable differences in the skill of judges and lawyers in coping with the non-English speaking.

VII. SYSTEM AND ORGANIZATIONAL DYNAMICS' CONCLUSIONS

Programs to provide language assistance are not likely to be implemented in the manner prescribed without strong administrative leadership. Administrative leadership must focus its attention on two primary concerns: a) The practicality of proposed programs and, b) The overriding values of due process and fundamental fairness.

If fully implemented, the proposed program should increase the total number of defendants serviced and the quality of the service which is provided. The proposed program elements are not likely to increase the smoothness or efficiency of the criminal system as a whole. Nevertheless, as designed, the proposed administrative mechanisms have been constructed with the goal of the least possible disruption of existing practices.

Primary program components include:¹²

- Initial Language Disability Diagnostic Test conducted by Correctional Volunteer Interviewers.
- Systematic transfer of the intelligence gathered by Initial Language Disability Diagnostic Test from Justice Agency to Justice Agency. The mechanism proposed is the "red-flagging" of two forms, the Release Questionnaire and Certification of Held to Answer Formal Complaint. The Release Questionnaire will disseminate intelligence from the Detention Facility to the Justice Court, Public Defender and County Attorney. The Certification of Held to Answer, which is on the reverse side of the Formal Complaint, will transfer the information to the Superior Court at the appropriate stage of the process. Regularized procedures internal to each Justice Agency System will be needed to insure the viability of this approach to the better integration of interpreter services.
- Centralization of Selected Interpreter Expertise and Interpreter Functions under the jurisdiction of the Superior Court.

¹² Some additional, but relatively minor administrative procedural changes, are recommended in Appendix IV. These relate to forms, waivers, etc., and the language handicapped.

CONTINUED

1 OF 4

- Precise diagnosis of the specific nature and characteristics of the selected language handicapped individuals.
- Statistical collection relating to interpreter services.

CHAPTER IV

LANGUAGE TRANSACTION OBSERVATIONS, CONCLUSIONS AND RECOMMENDED PROCEDURAL OUTLINES

I. GENERAL CONCLUSIONS REGARDING THE PRESENT PROVISIONS OF LANGUAGE SERVICES

Despite the limitations, the project staff believes that it is proper and valid to conclude from the limited data that similar positive and negative characteristics related to language services can also be found in those areas in which the limited resources were not allocated.

The following are well deliberated general conclusions regarding the language services provided in the Pima County Criminal Justice System. As expected, there were not found any sensational gross injustices resulting from the quality of delivery of language services. However, data gathered from observations and interviews lead us to conclude that there is an unquestionably valid need for meaningful improvement of serious deficiencies.¹

- There is a need to timely and accurately assess the degree of language handicappedness of an individual.
- English-Spanish-speaking employees presently provide language services without preparatory training, on-going supervision, or, systematic coordination.
- There is a lack of recognition for the need to professionalize language services to ensure high quality.
- There is a lack of understanding of the importance and meaning of cultural traits of non-English-speaking persons.

¹See Appendix II, Sec. B for methodology and statistical data.

- There is complete absence of an official professional program governing the propriety, quality and coordination of language services on an organizational/departmental or system-wide basis.
- There is a lack of awareness and understanding on the part of top organizational decision-makers regarding the complexity of providing high quality language services.
- Limited resources are not allocated to undefined or overlooked, yet serious problems, such as those of the language handicapped.
- There is a poor response to the needs of a strata of the community which is realistically considered as relatively politically and economically un-influential.
- The presently unplanned manner used for the delivery of language services weakens the viability of the Criminal Justice System, both from the perspective of the organizations, and of the community it serves.
- There is an apparent willingness on the part of most English and English-Spanish-speaking employees to be satisfied with relatively marginal communication which usually only satisfies the organizational information needs and work flow process.
- The lack of high quality interpreter services hampers the efficiency and effectiveness of the Criminal Justice System from an organizational point of view.

II. IDENTIFIED LINGUISTIC, OPERATIONAL, AND ADMINISTRATIVE DEFICIENCIES.

The following are specific linguistic, operational and administrative deficiencies identified during some of the language transaction observations and interviews:

- English-Spanish-speaking employees who provide language services do so without having been properly selected for their linguistic competence and without any supervision over the quality of their language services.

- Language services are inconsistent in quality.
- English-Spanish-speaking employees are unable to properly and accurately provide language services regarding the translation of most forms internally filled out for a language handicapped citizen.
- As a result of poor language services, the language handicapped person experiences unnecessary hardships.
- There is no procedure available to a language handicapped person for the filing of formal complaints regarding deficiencies in the provision or quality of language services.
- Some language handicapped persons do not request language services because of pride, embarrassment, fear, cultural traits (such as "machismo"), and most critically because of employees' lack of cognizance or sensitivity to the language problem.
- Because of high identification of the English and English-Spanish-speaking employees with the criminal law enforcement machinery, most language handicapped persons appear to feel helpless to complain about poor language services.
- There is either an unavailability or lack of translated forms which frequently are highly consequential, signed, and/or received as instructional materials, by a language handicapped person.
- There is an absence of translated building directories and other instructional pamphlets, signs, and leaflets pertinent to the personal interests of a language handicapped person called upon to discharge his civic duties.
- Because of lack of training and of standardized procedures, each English-Spanish-speaking employee provides language services in his/her own manner.
- There is a very poor or complete lack of coordination at the departmental/organization/system-wide level for the identification and advanced notification that a language handicapped person is in the system.

- There is an unbalanced allocation of English-Spanish-speaking personnel within the organization or department.
- There is a lack of an educational program providing customized orientation to employees (at all levels of the organization who may come into contact with a language handicapped person) about procedures to properly handle the linguistic needs of a language handicapped person.
- Most employees give low priority to the complete assistance of language handicapped persons.
- It is not fully recognized by most English and English-Spanish-speaking employees that when serving a language handicapped person, it can only be expected as normal that the working efficiency factor of the department/section will be lowered.
- Language services provided by some English-Spanish-speaking employees, decrease work efficiency due to time consuming poor communication.
- There is a strong tendency for many English-Spanish-speaking employees to assume a paternalistic attitude toward the language handicapped and, consequently, unilateral decisions are frequently made to provide only those language services they determine to be warranted.
- A language handicapped person is caused unnecessary inconvenience, delay and possible lack of service, as no centralized responsibility is placed on designated English-Spanish-speaking employees to provide all pertinent organizational/departmental information.
- There is undue delay or complete absence in the delivery of language services.

III. LANGUAGE SERVICE DEFICIENCIES PECULIAR TO COURTROOMS

- At Justice of the Peace initial appearances and Superior Court and City Court arraignments, general introductory information is often given regarding the legal proceedings by the court to defendants as a group. The information is not always interpreted to language handicapped defendants.

- Language handicapped defendants are not always able to assist in the preparation of their defense due to lack of a systematic and professional program of language services in the courts.
- An incompetent English-Spanish-speaking employee providing language services extends a disservice to a language handicapped person who is eloquent and persuasive in his own language.
- Due to the lack of standardized procedures and controls in proceedings during which language services are provided, the English-Spanish-speaking employee is not always given enough time to finish the interpretation or to answer questions for the language handicapped defendant.
- Inadequate time is extended to the English-Spanish-speaking employee for the translation of documents related to a court proceeding.
- There is an administrative breakdown of control in the assignment of employees who provide language services. The same English-Spanish-speaking employee initially assigned to a defendant may not provide the language services throughout the entire legal proceeding.
- There are inadequate prior and timely notification procedures regarding the assignment of an English-Spanish-speaking employee to provide language services.
- There is a lack of procedure to timely inform the English-Spanish employee regarding the subject matter of the court proceedings, and, as a result, there is none or poor preparation for the services provided.
- The language handicapped defendant has no real choice but to accept the court-assigned English-Spanish-speaking employee as his professional interpreter.
- No consideration is given to the nature of the case, the differences in age or sex of the defendant, and, the English-Spanish-speaking employee assigned to provide language services. (e.g. older male defendant, young female English-Spanish-speaking employee assigned to provide language services in a case involving rape or child molesting.)

- Although a court proceeding is public, too often the English-Spanish-speaking employee providing the language service is not audible to the public section of the courtroom; consequently, concerned relatives and friends do not know what is happening to the defendant.
- English-Spanish-speaking employees are assigned to provide language services in cases (e.g. rape, child molestation) without consideration that the subject matter may be distasteful or unbearable to the English-Spanish-speaking employee.
- There is incomplete or lack of orientation and instructions to language handicapped defendants regarding the role, duties and limitations of English-Spanish-speaking employees who provide the defendants with language services in court proceedings.
- There is inconsistent control by the court of language-services-assisted proceedings.

IV. INITIAL FORMULATION OF ASSIGNMENT, DUTIES, INSTRUCTIONS, LOCATION, USE OF MECHANICAL AIDS, METHODOLOGY AND TECHNIQUE AND ADMINISTRATION OF OATH SUGGESTIONS IN THE USE OF JUSTICE INTERPRETER SERVICES

The following suggestions are based upon data and empirical observations and experience. While deficiencies and arguments can be articulated in support of or against each suggestion, the guides are offered only as a basis to the model from which initial procedural policies and administrative guides can be developed and evaluated.

A. Administration

1. Recruitment and Selection

- a. See Chapters III, IV for suggested standards and procedures for the recruitment and selection of Justice Interpreters.

- b. Competency of assigned Justice Interpreter(s). Certified Justice Interpreters who qualify will have met established standards and successfully passed written and oral examinations.
- c. Orientation of Justice Interpreters Prior to Assignment. Prior to assignment, Justice Interpreters should be given an in-depth orientation to the court environment and the criminal justice system. The orientation should include a complete review and understanding of policies and procedures related to the provision of language services, the roles and responsibilities of courtroom personnel and officials, judicial process and procedures, and the roles, responsibilities and relationships of other justice agencies, departments, and personnel to the criminal justice process.

2. Requests for Language Services

Chapter III describes in detail a systematic approach for prior notification that a language handicapped person is in the system. The "red flag" system will notify criminal justice agencies/departments in advance the possible need of Justice Interpreter services. Upon such notification, the Justice Interpreter should initiate contacts with appropriate personnel within the system to make available language assistance. While it may be implied that the onus for initiating the provision of language services rests primarily with the Justice Interpreter upon notification, it should not be construed to imply that departments/agencies within the system are relieved of the responsibility to request such assistance. The responsibility for the provi-

sion of services should be a shared responsibility of the entire criminal justice system. The Justice Interpreter should utilize the "red flag" system to schedule their work assignments and resolve potential conflicts in assignment. The Court Administrator's Office should be assigned the principal responsibility for the assignment of and coordination of language services.

3. Assignment

a. Preparation

The Justice Interpreter's upon assignment should contact the individual in need of language assistance and/or designated counsel, department or agency to become familiarized with the case and to make necessary preparations.

b. Conflict

Justice Interpreters should not be assigned to provide language assistance to individuals and/or cases which may give rise to real or perceived conflicts of interests.

c. Multiple defendants/multiple counsel.

In instances when more than one defendant is on trial and represented by different counsel, each defendant should be assigned the services of a Justice Interpreter.

d. Assigned to defendant(s)/defense counsel.

The same Justice Interpreter should remain assigned for the entire period of time from appointment to disposition of case.

e. Other Criminal Justice System Agencies/Departments.

Justice Interpreters should be assigned upon request and on an as-needed basis.

4. Additional Considerations Related to Continuous Interpretation, Methodology and Technique, and Sworn Oath.

a. Length of period for continuous interpretation

The degree and amount of mental concentration and physical stamina for continuous interpretation vary with individual interpreters. The Justice Interpreter should advise the court if a rest recess is needed.

b. Methodology and technique

The Interpreter should utilize the methodology and technique most suitable to most effectively and efficiently serve the needs of the language assisted individual(s) and the court.

c. Sworn oath

Officially designated and certified Justice Interpreters should affirmatively swear to an oath of professional conduct, competency, and ethics upon initial certification. It should not be necessary to swear in a certified Justice Interpreter for each assignment or proceeding.

B. Guides Related to Practices and Procedures for the Utilization of Justice Interpreter Services during Trial Proceedings.

1. Assignment

a. General instructions to be given to all Justice Interpreters.

- (1) The assigned Justice Interpreter is an officer of the court and is assigned to provide accurate and impartial interpretation.
- (2) The assigned Justice Interpreter will not assume an advocacy role.
- (3) Before or as soon as possible upon

assignment, the Justice Interpreter will advise the court of any assignment in which either personal attitudes, values towards the subject matter, personality, age, sex, adversaries, and/or other reasons, on either the part of the Interpreter, language assisted individual, counsel and/or agency, may give rise to real or perceived conflicts of interest.

- b. Additional instructions to be given to Justice Interpreters assigned to defendant or defense counsel in need of language services.

Justice Interpreters assigned to defendants in need of language assistance will remain assigned for all language services as required from the time of assignment to disposition of case.

- c. Instructions regarding the assignment of Justice Interpreters to provide language services for defense, prosecution, or court witness(es).

A Justice Interpreter other than the Justice Interpreter assigned to the defendant will be assigned to interpret for either defense, prosecution, or court witnesses requesting or requiring language assistance.

2. Duties

- a. Assigned to defendant(s) or defense counsel(s) in need of language services.
- (1) Explain assignment, duties, and responsibilities of Justice Interpreter and procedures for the use of Justice Interpreter services.
 - (2) Interpret to the defendant all explanations, directions, and/or other pertinent information, at the request and under the direction of counsel, following appointment until disposition of case.
 - (3) Interpret to defense counsel all explanations, directions, and/or other pertinent information, at the request of the defendant, following appointment until disposition of case.

Justice Interpreter

The assigned interpreter will mechanically tape record and maintain the record of interpreted assignments. The recordings will be maintained for the same period of time and manner as required for the official records of court proceedings.

3. Procedural Considerations for the Utilization of Justice Interpreter Services During Trial Proceedings.

- a. Interruptions/restatements during trial proceedings.

Instances in which the interpreter finds it necessary to interrupt the proceedings.

Justice Interpreter

If it becomes necessary for the interpreter to ask for a restatement of a question, response, comment, or for any other reason, the interpreter should signal the court immediately by clearly raising the hand, or standing, if seated, or both.

- b. General instructions regarding questions and comments to be interpreted.

- (1) During trial proceedings interruptions, restatements, recording of testimony, accuracy and challenges to accuracy/competence.
 - (a) Keep each question and/or comment as brief as possible.
 - (b) If questions or comments are to be necessarily lengthy, phrase questions and/or comments in such a manner as to allow for interpretation between phrases.
 - (c) Ask succeeding question and/or comment after the Justice Interpreter has completed interpretation of preceding phrase, question, or comment.

Court Reporter

The assigned court reporter will be responsible for the recording of the English language interpretations of the Justice Interpreter. The recorded testimony will be the official record of the proceedings.

- (4) Interpret to the defendant all questions posed and answers given during jury selection, if any.
 - (5) Interpret to the defendant, the court and court officials, all questions posed and the defendant's responses to questions during all stages of the proceedings.
 - (6) Interpret to the defendant all testimony, instructions, statements, queries, responses, and all other pertinent information throughout the entire period of the trial proceedings.
 - (7) Assist defense counsel by interpreting, as needed, for either the defendant, witnesses, or other individuals who request/require language assistance, in the preparation and presentation of the case.
- b. Assigned to witness(es) for the defense, prosecution, or court.
- (1) Explain assignment, duties and responsibilities of Justice Interpreter and procedures for the use of Justice Interpreter services.
 - (2) Interpret to the witness in need of language assistance explanations, directions, and/or other pertinent information, at the request of counsel, following appointment and until such time as the witness is excused from testifying.
 - (3) Interpret to the defense, prosecution, and/or court, explanations, directions, and/or other pertinent information, at the request of witness, following appointment and until such time as the witness is excused from testifying.
 - (4) Interpret to the witness questions posed and the witness' response(s) during the period of testimony.
 - (5) Interpret to the witness all instructions, statements, queries, and responses made during the period of time the witness offers testimony.
- c. Recording of interpreted testimony during trial proceedings.

- (d) Enunciate clearly and speak with sufficient clarity and volume to be heard by the Justice Interpreter.
- (e) If the Justice Interpreter requests the restatement of question or comment, the restatement will be made by the Court Reporter.
- (f) If counsel personally recognizes that a question or comment is not understood and of his/her own volition wishes to initiate a restatement of the question or comment, counsel must wait until the Justice Interpreter completes the initial question or comment before beginning the restatement.

4. Challenges to Competency and/or Accuracy of Interpretation.

- a. By defendant, defense, prosecution, court witness.

If the language-assisted defendant, defense, prosecution, or court witness has any reason to question the accuracy or competency of interpretation, such challenge should be articulated to the respective counsel for whom he/she is testifying through the assigned Justice Interpreter.

- b. Jurors

Some English-Spanish-speaking jurors may disagree with the accuracy of interpretation. The resolution of such disagreements can open arguments regarding linguistics, culture, mannerisms, gestures, attitudes, and a multitude of other factors effecting language and communications.

- (1) The challenge of accuracy should be left entirely with respective counsel and court.
- (2) Requests for replaying of the interpreted proceedings and/or the court reporter's transcript, should be made on the same basis and manner as other requests made by the jury of the court.

5. Location of Justice Interpreter During Proceedings.

- a. Defendant as witness.
 - (1) Sit next to the defendant.
 - (2) If space does not permit, stand next to the defendant.
- b. One defendant at counsel table.

Sit between defendant and counsel.
- c. Multiple defendants at counsel table.

Sit between counsel and defendant nearest counsel.
- d. Multiple defendants and multiple counsels at counsel table.

Sit between counsel and defendant(s) nearest counsel(s)

6. Justice Interpreter Use of Audio Equipment/Mechanical Aids.

- a. Use of portable Justice Interpreter Kit*
 - (1) When defendant is witness

The use of a portable Justice Interpreter Kit should be discretionary with the Justice Interpreter and court.
 - (2) When defendant is at counsel table.

Each Justice Interpreter should be equipped and utilize a portable Justice Interpreter Kit.
 - (3) When interpreting for a defense, prosecution or court witness in need of language assistance.

The use of a portable Justice Interpreter Kit should be discretionary with the court.

*See NOTE following.

NOTE: Justice Interpreters, in particular those interpreting for a defendant at counsel table, are often required to speak very softly or even whisper. The practice is necessitated in order not to disturb the proceedings through voice-conflict with witnesses or others who may be speaking. Speaking in a low voice or whisper is difficult for the interpreter and may be inadequate for the person(s) receiving language assistance. Conversely, if the interpreter speaks in a normal voice, that too may be disruptive to the court proceedings. It is suggested that consideration be given to the purchase of a portable Interpreter's Kit that can be used, when needed, to alleviate the problem. The components and description for the use of a portable Justice Interpreter Kit is as follows:

PORTABLE JUSTICE INTERPRETER KIT

Components: Amplifier (1)
Headsets (4-6)
Microphone on head band (1)
Pre-amplifier control (1)
25' electrical cords (2)

Description

All components fit into a brief case. The Justice Interpreter may carry the briefcase from courtroom to courtroom or other places where language services are provided. The Interpreter speaks into the microphone which is attached to a head band. The Justice Interpreter attaches the pre-amplifier control switch to a belt worn around the waist. The control switch enables the Justice Interpreter to turn the amplifier off and on, depending on use, from any location where the Justice Interpreter may be. The 25' electrical extensions enable the Justice Interpreter to place the portable kit as far away as 25' from where language services are principally provided. The second 25' extension enables the Justice Interpreter to move about an additional 25'. A kit similar to the one described has been assembled within the last three years at a cost of less than \$200.

7. Mechanical Tape Recording Equipment

Although more sophisticated equipment for recording of trials is available, in keeping with practicality, it is suggested that a good quality portable cassette recorder be used by interpreters to mechanically tape record interpreted testimony.

C. Use of Justice Interpreter Services by Prosecution for Out-of-Court Interviews, Interrogations, and Depositions of Defendant.

1. Assignment

The same Justice Interpreter assigned and appointed to the defendant should provide interpretive services.

2. Duties

- a. Explain assignment, duties and responsibilities of the Justice Interpreter and procedures for the utilization of Justice Interpreter services.
- b. To interpret to the defendant any explanations, directions, and/or other pertinent information at the request and under the direction of the prosecutor.
- c. To interpret to the prosecutor any explanations, directions, and/or other pertinent information at the request and under the direction of the defendant and/or assigned counsel.
- d. To interpret to the defendant and prosecutor questions posed and responses to the questions.

3. Seating or Location of Interpreter.

Interpreter should be seated in a position between prosecutor and defendant.

4. Mechanical Aids and Records

- a. The use of portable Justice Interpreter Kit should be discretionary with the Justice Interpreter and respective counsel.
- b. The assigned Justice Interpreter should mechanically, tape record and maintain the record of interpreted assignments. The recordings should be maintained for the same period of time and in the same manner as required for the official records of court proceedings.

D. Use of Justice Interpreter Services by Related Criminal Justice System Officials, Agencies/Departments

1. Assignment

See Section B.1 of this Chapter.

2. Duties

- a. Explain assignment, duties, and responsibilities of the Justice Interpreter and procedures for the use of Justice Interpreter services.
- b. Interpret to the language handicapped person(s) all explanations, directions, and/or other pertinent information, at the request and under the direction of official(s), agencies/departments requesting language services.
- c. Interpret to the official(s), agencies/departments all explanations, directions, and/or other pertinent information at the request of the person(s) requiring language assistance.
- d. Interpret to the language handicapped person(s) all comments and questions posed by official(s), agencies/departments, and his/her response(s) to the question(s).
- e. Interpret to the official(s), agencies/departments all comments made and questions posed and response(s) by official(s), agencies/departments by the person(s) requiring language assistance.

- f. The assigned Justice Interpreter should mechanically tape record and maintain the record of interpreted assignment. The recordings will be maintained for the same period of time and in the same manner as required for the official records of court proceedings.

3. Requests for Language Services.

The Court Administrator's Office should be assigned the principal responsibility for the assignment of and coordination of language services. Officials, agencies/departments requesting the services of Justice Interpreters should give advanced notice, except, in those instances when such advanced notice is not possible. See Section A.2 of this Chapter.

CHAPTER V
PERSONNEL REPORT

I. AN ASSESSMENT OF CURRENT PERSONAL POLICIES, PRACTICES, AND PROCEDURES RELEVANT TO INTERPRETIVE SERVICES OF AGENCIES PARTICIPATING IN THE PIMA COUNTY SUPERIOR COURT-JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT.

A. Personnel Systems Description

Agencies that were identified as being important and significant in the construction of this Model are from three different governmental jurisdictions located within the vicinity of Pima County. The development of the Justice System Interpreter Model for Pima County will subsequently interface with three governmental personnel systems--Pima County Employee Merit System, Pima County Superior Court, and the City of Tucson Civil Service.

- The Pima County Employee Merit System, which was adopted recently by Pima County Board of Supervisors, "provides a uniform and equitable system of personnel administration of employees in the classified service." The appointments and promotions of county employees are made according to the merit principle. The coverage of the County's Merit System extends to all departments, with the exception of Pima County Superior Court. A five-member Merit System Commission has been established to advise and assist in the administration and implementation of the county-wide merit plan.
- Pima County Superior Court, which is organizationally divided into 13 judicial divisions and 7 administrative departments, maintains its own personnel system that is not bound by the policies and regulations of Pima County Employee Merit System. Although the

concept of the merit principle is occasionally evident in the system, it nevertheless has not been integrated systematically as a court-wide principle. Each department and division have mainly retained the authority for appointment and promotion of employees, which the central administration of Pima County Superior Court makes a general effort to supervise these individual personnel efforts.

- City of Tucson Civil Service System is a systematized city-wide personnel plan based on the merit principle. The Civil Service Commission, which has five members and are appointed by the Tucson City Council, established all personnel policies and actively supervises the implementation of its policies.

B. Methodology

Assessing the personnel policies, practices, and procedures that pertain to the future development of a court-justice system interpreter model involves basically two major approaches. The first method is to analyze personnel information of each participating agency and avoid construction of any conclusions about the system in general. General conclusions are intentionally excluded in this method because of the nature and differences of each personnel system. An alternative to this approach is to examine the personnel information of each agency

and attempt to draw some conclusions about the system as a whole, regardless of the differences that might exist between the three personnel systems. For the purpose of this project, the second approach was selected because of its advantages in establishing some general system perspectives, although the liability for error is greater with such a methodology.

- C. General Personnel Patterns Discovered in the Review of Personnel Policies, Practices, and Procedures of Pima County Superior Court, Pima County Attorney, Pima County Sheriffs, City of Tucson Police Department, Pima County Justice Courts, Pima County Public Defender, and Correctional Volunteer Center.

As a result of the analysis of the research data compiled during the project's investigatory phases, seven general conclusions can be made regarding the approaches and methods utilized by county and city personnel for providing interpretive services to non-English speaking or language-handicapped persons.

The general patterns consistently observed are:

- (1) The participating agencies have taken the posture of providing language services on ad-hoc basis to non-English speaking and language-handicapped persons. However, the three personnel systems of these agencies were deficient of personnel policies and guidelines that would insure high quality of services. Although such services are provided

what prevails within each agency is the lack of conceptual model as to how these services are integrated administratively on a departmental level, court-wide level, and city or county-wide level. Consequently, interpretive services are only available when necessary and are provided generally without serious consideration to the quality of service.

- (2) Because of this ad-hoc approach, a position classification established specifically for interpreters has not been created in any of the major personnel systems. The common approach that has been generally practiced by these agencies in lieu of an interpreter classification has been the use of English-Spanish-speaking employees as professionally uncertified interpreters. These employees have been required to provide interpretive services in light of the fact that such responsibilities exceed their regular job duties and responsibilities. City or County employees having these secondary duties comprise a very heterogeneous population, identified by the characteristic that they come from an array of employment areas and professions. They do share, one common element, that is, the majority, if not all, have no prior educational training or specific supervision in the rendering of language services. The recruitment and selection of these employees have

been performed without complete consideration to the specific language competency of these employees.

- (3) The utilization of English-Spanish-speaking personnel and staff as interpreters in either courtroom situations or in other areas of the justice system is frequently adequate. But measuring the adequacy, accuracy, and quality of these performed services would at this time be extremely difficult because there is no existence of personnel policies, guidelines, and standards with regard to the utilization of English-Spanish-speaking employees. This leads subsequently to inconclusiveness regarding the competency levels of English-Spanish speaking employees selected as uncertified interpreters. This inconclusiveness also raises doubts as to the ability in assessing the quality of service provided without having standardized measurements of performance.
- (4) As stated in the preceding conclusion, performance standards have not been developed for the delivery of interpretive services. This is particularly the case in the specific area of performance evaluation of individuals already serving as uncertified interpreters. To the extent that such evaluation occurs, the primary emphasis is not on their ability to deliver quality and effective services, but rather on the contributions the employees can make in accelerating

the processes of the system. As a result, it is impossible under present performance evaluation standards to assess the quality of interpretive services being provided. Also, an added dimension of this situation is the role assumed by the individuals supervising the efforts of these uncertified interpreters. These supervisors have adequately managed to determine the contributions made by the interpreters to the system process, but they lack the expertise and abilities to judge to what extent the language services are adequate and meaningful.

- (5) In cases where English-Spanish-speaking employees have been identified as official or unofficial interpreters of their respective agencies, specialized training for improving their interpretive skills has not been provided. Consequently, employees are performing language services in addition to their regular duties without receiving in-service training support. The employees' only possible alternative to deal with deficiencies and inadequacies while rendering these services has been to rely, generally at their expense, on external resources. Employees face additional barriers when strictly relying on external resources. In the local geographical area, educational institutions provide some programs

that could be beneficial to these employees; however, they are limited to the extent that they are not oriented to the needs and role of a justice interpreter.

- (6) In cases where English-Spanish-speaking employees are expected to perform interpretive services, provisions have not been made for differential pay. This is particularly the case with employees who are asked to perform these unclassified duties, yet are expected to complete their primary responsibilities. English-Spanish-speaking employees seem to be subtly pressured into performing two jobs while being compensated only for one.
- (7) Commonly found in each agency was the lack of an administrative unit assigned the responsibility of planning and coordinating the interpretive services. It was not possible to identify in any of the participating agencies at least one administrative unit charged with such responsibilities. The coordination and administration of interpretive services is done haphazardly and without complete consideration of the system's available resources.

D. An Assessment of Personnel Policies, Practices, and Procedures of Each Participating Agency.

(1) Pima County Superior Court

Non-English-speaking or language handicapped persons while interfacing with any of the judicial departments or divisions of Pima County Superior Court can basically rely on four court employees who provide language assistance. Of the four, one has been designated by the Superior Court as official interpreter. The four, however, share a common characteristic. All four are assuming these responsibilities as additional duties and responsibilities. These employees do not receive differential pay or some other form of compensation for the interpretive services they render to the court. Apparent also in the administrative departments was the lack of personnel policies and administrative responsibility for providing interpretive services. In addition, the various administrative departments primarily rely on their present English-Spanish-speaking employees for furnishing these services. And, the basic approach that has been taken by these departments in determining when and where to use English-Spanish-speaking employees as non-uncertified interpreters has been when the department needed their service.

(2) Pima County Attorney

Interpreters in County Attorney's office were found to be used when they were needed by the staff. English-Spanish-speaking employees who are currently designated as interpreters are orally examined, and the emphasis of this examination concentrates on eliciting from the English-Spanish-speaking employee certification of specific language skills. The examination is not designed to test or measure the level of language competency. The English-Spanish-speaking employees assume the role of interpreters as extra responsibilities, but receive no increase in salaries or compensation in some other form, e.g. compensatory time for performing interpretive services. Clearly evident in this office, as was the case in all agencies reviewed, was the deficiency of personnel policies regarding the utilization of these interpreters in its normal workflow.

(3) Pima County Sheriff's Office

The English-Spanish-speaking deputized and non-deputized personnel of the Sheriff's Office are normally used as interpreters in its law enforcement functions. The individuals assigned as interpreters retain their regular role duties and responsibilities while performing interpretive duties.

Sheriff's personnel assigned interpretive duties receive no additional compensation for such assignments. Decisions as to who will provide interpretation are ad-hoc and are based on the individual's bilingual abilities, but without consideration to such factors as quality and competency.

(4) Pima County Justice Courts

The four Pima County Justice Courts in general are providing bilingual services without personnel interpretive guidelines and when the courts identify the need. It is recognized that variation exists among the four courts in regards to level and quality of services, however, the services are generally performed without systematic planning and delivery. The individuals who are rendering these services without extra compensation and as additional duties are the English-Spanish-speaking employees of the courts. It is also not a practice of these courts to examine its court interpreters for language competency and abilities.

(5) City of Tucson Police Department

The City of Tucson Police has a substantial percentage (10.1%) of Spanish-surnamed deputized and non-deputized employees who constantly make available language services. This availability is significantly attributed to the fact that the police department has presently three major activities--Selective

Certification Program, Adam I Program, and Spanish Education Programs--that positively influence these services. Selective Certification Program is an unique affirmative action effort that is attempting to increase the proportion of minority police officers on the force. The program will continue until the minority representations are in proportion to their respective community ethnic composition. Adam I Program is another innovative effort by the department to serve Tucson's Spanish-speaking community. The Adam I Program is a fourteen-member police team who basically have Spanish-speaking abilities and are assigned to Tucson's heavily populated Spanish-speaking community (Westside area). Pima College, in conjunction with the police department, conducts the Spanish Education Program, which is a beginning Spanish course for officers who are interested in learning the language. Although these various activities are taking place, the delivery of interpretive services is still done unsystematically and provisions dealing with personnel interpretive policies and guidelines have not been implemented.

The officers and other personnel providing language services are additionally not compensated for offering these services. However, the departments rely significantly on these individuals for making these services available when needed.

(6) Pima County Public Defender

The County's Public Defender Office, which has a staff of twenty-three attorneys, make available interpretive services by relying on two main delivery approaches: 1) assign Spanish-speaking cases to its two Spanish-speaking attorneys and 2) use English-Spanish-speaking employees for assisting. Personnel policies and guidelines relative to interpretive services, plus the lack of differential pay for the bilingual employees, are not evident and have not been planned. Services are primarily made available when the Public Defender's staff identify the need for the service.

(7) Correctional Volunteer Center

The Center has a viable and important role in the judicial process. A main function of the Center is conducting personal interviews with the individuals in detention; however, the Center has difficulties in recruiting English-Spanish-speaking volunteers to provide language services. The Center also uses at times, English-Spanish-speaking inmates to assist in cases where such volunteers are not available.

E. Discussion of the Consequences of Current Personnel Policies, Practices, and Procedures.

The general patterns just discussed have resulted in one dominant theme; that the services currently provided in the area of interpretation are inadequate. The issue of quality and adequacy of service is something that is very real and tangible. Personnel policies and standards provide basically a general foundation to determine and measure the effectiveness of public services through performance evaluation. However, with the participating agencies, the deficiency of such administrative requirements makes it extremely difficult to support a posture other than a critical view of the current interpretive services being provided. More specifically, the ad-hoc approach assumed by the agencies have resulted in the following major consequences:

- There has been a recognizable misuse of English-Spanish-speaking human resources which is attributed mainly to the ad-hoc approach of providing interpretive services.
- A benign exploitation of English-Spanish-speaking employees who have had to assume and perform interpretive services in addition to their regular responsibilities without receiving additional salary or monetary compensation.
- Role expectations and responsibilities are not clear for employees rendering interpretive services. The non-appearance of three aspects--professional ethics, training, and job description--promote role conflicts that are apparent in critical situations that require interpretive services.

F. Recommendations

- (1) The development and implementation of an uniform personnel policies and guidelines for the delivery of interpretive services ought to be integrated in each of the major personnel systems. Incorporated in these policies and guidelines would be standards for the utilization in recruitment, selection, and performance evaluation of interpreters. The uniformity could promote the elimination of confusion and improper administrative use of manpower that is apparent in the ad-hoc approach.
- (2) The design of a position classification for interpreters in each of the three personnel systems. The position classification would standardize recruitment, selection, and performance evaluation of employees who would qualify as interpreters. Moreover, the proposed position classification would establish qualifications, standards, and duties for qualified interpreters as well as define what would be equitable compensation for persons providing these services.
- (3) In situations where English-Spanish-speaking employees would still be used for providing some language services, provisions shall be made for differential pay based on the kind and length

of such services. This differential pay would compensate them for the additional work, as well as act as an incentive for further professional development in this area.

- (4) A systematic approach be taken in the evaluation of services provided to non-English-speaking and language-handicapped persons. Measuring instruments for judging job performance and quality of services provided by interpreters need to be developed for assuring that a high quality of service is maintained.
- (5) The establishment of administrative responsibility and leadership for the implementation, administration, and coordination of interpretive services.

II. ALTERNATIVES FOR THE ADMINISTRATIVE RESPONSIBILITY AND PLACEMENT OF INTERPRETIVE SERVICES.

The administrative control and placement of interpretive services can be approached basically in three ways. In the first manner, administrative responsibilities and placement can be viewed as being centralized in one administrative unit for the entire system. An alternative to this approach is to have the responsibilities for the administration of interpretive services decentralized to each department. The third approach would be to have a combination of the two alternatives.

Alternative I: Centralizing the operations and administration

of interpretive services under one administrative unit provides some basic advantages and disadvantages. The advantages are:

1. There could be a higher degree of administrative control and accountability.
2. Selection and certification (the licensing of interpreters) of Justice Interpreters could be based on a greater degree of compliance with uniform standards and criteria.
3. Economies of scale is promoted in the administrative coordination of interpretive services.

In contrast, the disadvantages of this alternative are:

1. Such approach might be insensitive to the specific needs and problems of each department.
2. There is less participation in the development and implementation of interpretive services by the departments in this approach.
3. People involved in the delivery of interpretive services have less opportunity to be integrated in the normal work flow processes.

Alternative II: Decentralizing the administrative responsibilities of interpretive services to each department has its own advantages and disadvantages. The advantages are primarily:

1. Each department could very likely achieve a high level of control and autonomy in providing these services.
2. Services could more easily be developed and structured to the specific needs of the departments.

3. Each department has greater flexibility in selecting certified interpreters along subjective traits, particularly those that involve department's image, traditions, values, etc.

In contrast, the disadvantages of this approach are:

1. It would promote an array of unofficial standards and policies regarding the selection, administration, and evaluation of interpreters.
2. Coordination would exist on the departmental level, but might not be integrated adequately on a system-wide basis.
3. Evaluation of services would be conducted primarily on a department-by-department basis without structured consideration to the needs of the system as a whole.

Alternative III: In this alternative, characteristics of Alternative I and Alternative II are integrated for administrative coordination of interpretive services. The major characteristics of Alternative III are that:

1. An administrative unit would be centralized in the system model for the coordination and administration of such services.
2. The delivery and administration of bilingual service would be decentralized to departments.

The centralized unit would mainly be responsible for:

1. Establishing policies and guidelines for interpretive services.
2. Certifying applicants who are interested in becoming interpreters for the system.
3. Monitoring the development and implementation of the system-wide interpretive services.
4. Maintaining a pool of qualified interpreters that would be available on temporary basis to other departments needing their assistance.

The ideal location for placing the centralized administrative unit would be under the Court Administrator of Pima County Superior Court. The Court Administrator's office, which is already a major centralized unit and has direct responsibility to the Court's Presiding Judge, would provide the visibility and overall system perspective needed to achieve its purposes and objectives.

The Advisory Committee of this project would also assume an active advisory role in assisting the centralized administrative unit to implement the model. Their input would be valuable for providing direction and assisting in crucial situations that could develop. Administration and coordination of the bilingual services offered would be decentralized to the other two personnel systems--City of Tucson Civil Service Commission and Pima County Employee Merit System's Commission. These two commissions and their respective personnel departments could assume the responsibility of monitoring the delivery of bilingual services. However, personnel policies, standards, and guidelines for bilingual services would be established by the proposed centralized administrative unit and Pima County Superior Court. More specifically, primary responsibility of the two personnel commissions would be to certify employees as

qualified bilingual employees and to make approvals for allocating bilingual positions.

The departments that qualify and receive approval for utilization of bilingual employees* would be able to maintain and coordinate their own bilingual services. Additionally, the individual departments would have a role in the selection process. It is intended that the bilingual employees selected by the department already identify with their organizational missions and goals. The departments would thereby have their own pool of certified bilingual employees to utilize in the manner they feel necessary.

The major provision these departments would need to honor would be to follow the policies, guidelines, and procedures regarding language (Spanish) services that would be developed by Pima County Superior Court. The main advantages of implementing this alternative are:

1. The primary one being that the needs of the total system and individual departments are considered in the planning and implementation stages.
2. Uniformity of personnel policies and standards for the recruitment, selection, and certification of interpreters would be developed and maintained for the entire system by the central administrative unit.
3. Individual departments would have an input in the selection process.
4. Employees who express allegiance with particular professions and/or agencies (law, law enforcement, probation, correctional, etc.) could now openly express such allegiance by applying or requesting to serve in those particular areas.

5. The attainment of accurate evaluation of interpretive services as to quality and effectiveness is more probable when a central and departmental responsibility are identified as being responsible and held accountable for providing them.
6. In centralizing a pool of qualified interpreters possessing specific expertise and qualifications, the entire system has accessibility to the availability of such professional services.

On the other side, the disadvantages of utilizing this approach are:

1. This alternative could promote administrative problems in inter-departmental working relationships, particularly the relationships among the central administrative unit and the departmental units.
2. An increase of personnel and in administrative cost could be anticipated for establishing the central administrative unit, and possibly also for the various departmental units.

RECOMMENDATION:

- Of the three alternatives, the one most suitable to the goals and objectives of this project would be Alternative III. This alternative provides the administrative flexibility, control, and accountability for implementing interpretive services throughout the judicial system. It also provides for a total system approach, as well as the flexibility for viewing the needs and concerns of the various departments on their individual level.

III. RECOMMENDATION FOR THE ESTABLISHMENT AND IMPLEMENTATION OF A BONUS PAY PLAN AND THE DESIGN OF A NEW POSITION CLASSIFICATION.

It was revealed that whenever interpreter services

were provided, they were provided basically by employees who are not interpreters by profession and/or training. Many of them have assumed or were appointed these additional responsibilities because the judicial system required their assistance. Thus, for this project to succeed in its goals and objectives, a new direction needs to be taken in regards to the types of personnel that will be used in providing these services.

The following recommendations are suggested:

1. The implementation of a bonus pay plan for all employees who use substantially bilingual skills (Spanish/English) in performing their jobs.
2. The design and implementation of a new position classification for interpreter. Included in this new position is a class series that involves three distinct levels of interpreter.

A. Recommendation I: The Bonus Pay Plan

Many English-Spanish-speaking employees are currently required to use their bilingual skills as part of their job responsibilities. The bonus pay plan would compensate such employees for using these specialized skills, if these skills are used daily or requires a substantial attention in doing their jobs. In addition, the bonus pay plan would encourage to identify those jobs requiring proficiency in a specific language, as well as classifying jobs that require language proficiency in Spanish.

Three changes would be involved in implementing the bonus pay plan. The first involves adding a new dimension to the methods in classifying positions. Some positions would be classified as requiring proficiency in a specific language. However, the major duties and responsibilities of the positions would not be altered by this reclassification. The second change would entail a re-analysis of the salary, wages and compensation standards to determine an adequate and fair bonus. The determination of whether an employee is entitled to participate in the bonus pay plan would be made by evaluating to what extent the employee uses his bilingual skills on the job. The last change includes the development of criteria for examining the language proficiency skills of the English-Spanish speaking employees desiring to qualify for the bonus pay plan. Proficiency would be perceived and judged as to the ability to communicate orally in the specific language. For purposes of clarity and strengthening the model, a distinction is being made between English-Spanish-speaking employees and bilingual employees. The former group will include employees who possess the ability to communicate orally in English and Spanish languages, but have not taken or passed the examination for eligibility under the Bonus Pay Plan. In contrast, bilingual employees are individuals who have been certified as having the

qualifications and abilities to provide language services (English/Spanish).

The administration of the Bonus Pay Plan may be generally accomplished by the following recommendations:

- A language proficiency examination for a specific language, e.g., Spanish, may be administered twice per year. Employees interested in qualifying would register for the examination.
- From the examinations, eligibility lists would be activated. These lists ought to be active for only one year.
- The proficiency examination does not necessarily need to precede any major or position employment examinations. The proficiency examination would bi-annually establish a list of employees eligible for the Bonus Pay Plan.
- In situations that require a proficiency examination process prior to or after the regular scheduled examination, special provisions could be developed with the proposed central administrative unit to administer such an examination. The examination, however, would involve the same format and content.
- Compensation in the Bonus Pay Plan could be provided in the form of a stipend that would be issued monthly. The stipend (the designated amount for compensating certified bilingual employees) could be processed separately or added on to their salaries. The monthly stipend could be integrated into the current personnel systems without too many problems and difficulties.

B. Recommendation II: Design of New Position Classification

It is necessary within the scope and philosophy of the project to design and implement an entirely new

position classification for interpreter. Such a position would insure the system of highly qualified individuals who can provide quality interpretive services. Moreover, a class of employees now would not only have the responsibility of providing services that would reinforce and insure the non-English-speaking or language handicapped person of his/her legal rights, but also be striving toward the broader goal of social justice and human fairness.

The proposed title for the new position classification is Justice Interpreter, and accompanying it is a class series that involved three levels of Justice Interpreter: Justice Interpreter I, Justice Interpreter II, and Justice Interpreter III.

JUSTICE INTERPRETER I

Job Description:

Justice Interpreter I would have the assigned responsibility in the judicial system to provide orally and in writing language services in English and in a foreign language, e.g., Latin-American Spanish. Language proficiency should approach equivalency to that of an educated native in all of its features, including breadth of technical judicial vocabulary, idioms, colloquialisms, illiterate dialects, professional and legal documents and correspondence, and pertinent cultural references.

Desirable Experience and Training:

Professional certification as a Justice Interpreter;

Desirable Knowledge, Skills, and Abilities:

- Knowledge of syntactical and grammatical usages in English and in the target language--both a working knowledge and academic knowledge.
- Academic and working knowledge of the literary forms of English and of the target language.
- Knowledge of most of the principal dialect forms of the target language.
- Awareness of the areas of intercultural interaction which may cause conflicts between the monolingual speakers of different languages.
- Communication and vocal inflection very nearly and similar to that of a native English speaker and that of a native speaker of the target language.

Justice Interpreter I (Cont.)

- Ability to understand and express complex thoughts expressed in complex sentences in English and in the target language, including technical judicial vocabulary.
- Ability to judge a client's approximate educational level and linguistic patterns and adjust one's interpreting accordingly within the literary dialect of the target language.
- Ability of doing consecutive and simultaneous interpretations with high degree of accuracy from English to the target language and vice-versa.

JUSTICE INTERPRETER II

Job Description:

Justice Interpreter II would have the assigned responsibility in the judicial system to provide orally and in writing language services in English and in foreign language, e.g., Latin-American Spanish. Language proficiency should approach equivalency to that of an educated native in all of its features, including breadth of technical judicial vocabulary, idioms, colloquialisms, illiterate dialects, professional and legal documents and correspondence, and pertinent cultural references.

Desirable Experience and Training:

Professional certification as Justice Interpreter; at least 2½ years experience as a Justice Interpreter I or equivalent; 1 year experience in evaluating job performance of bilingual employees.

Desirable Knowledge, Skills, and Abilities:

- Knowledge of syntactical and grammatical usages in English and in the target languages--both a working knowledge and academic knowledge.
- Academic and working knowledge of the literary forms of English and of the target language.
- Knowledge of most of the principal dialect forms of the target language.
- Awareness of the areas of intercultural interaction which may cause conflicts between the monolingual speakers of different languages.
- Communication and vocal inflection very nearly and similar to that of a native English speaker and that of a native speaker of the target language.

Justice Interpreter II (Cont.)

- Ability to understand and express complex thoughts expressed in complex sentences in English and in the target language, including technical judicial vocabulary.
- Ability to judge a client's approximate educational level and linguistic patterns and adjust one's interpreting accordingly within the literary dialect of the target language.
- Ability of doing consecutive and simultaneous interpretations with high degree of accuracy from English to the target language and vice-versa.
- Ability to evaluate job performance of bilingual employees.

JUSTICE INTERPRETER III

Job Description:

Justice Interpreter III would have the assigned responsibility in the judicial system to provide orally and in writing language services in English and in foreign language, e.g., Latin-American Spanish. Language proficiency should approach equivalency to that of an educated native in all of its features, including breadth of technical judicial vocabulary, idioms, colloquialisms, illiterate dialects, professional and legal documents and correspondence, and pertinent cultural references.

Desirable Experience and Training:

Professional certification as a Justice Interpreter; at least 2½ years experience as a Justice Interpreter II; three years experience in evaluating job performance of bilingual employees.

Desirable Knowledge, Skills, and Abilities:

- Knowledge of syntactical and grammatical usages in English and in the target languages--both a working knowledge and academic knowledge.
- Academic and working knowledge of the literary forms of English and of the target language.
- Knowledge of most of the principal dialect forms of the target language.
- Awareness of the areas of intercultural interaction which may cause conflicts between the monolingual speakers of different languages.

Justice Interpreter III (Cont.)

- Communication and vocal inflection very nearly and similar to that of a native English speaker and that of a native speaker of the target language.
- Ability to understand and express complex thoughts expressed in complex sentences in English and in the target language, including technical judicial vocabulary.
- Ability to judge a client's approximate educational level and linguistic patterns and adjust one's interpreting accordingly within the literary dialect of the target language.
- Ability of doing consecutive and simultaneous interpretations with high degree of accuracy from English to the target language and vice-versa.
- Ability to evaluate job performance of bilingual employees.
- Demonstrate ability to evaluate job performance of Justice Interpreter I and Justice Interpreter II and of bilingual employees.
- Demonstrate ability to continue functioning in the capacity of Justice Interpreter I.

RECOMMENDED SALARY RANGE: Justice Interpreter III's recommended salary is comparable to Salary Grade (32) of Court Reporter, Pima County.

Justice Interpreter I - \$1,118 to \$1,360 (Salary Grade 46)*

Justice Interpreter II - \$1,233 to \$1,499 (Salary Grade 48)

Justice Interpreter III - \$1,360 to \$1,653 (Salary Grade 50)

*These salary grades are based on Pima County Employee Merit System Salary ranges.

CHAPTER VI

STANDARDS, TRAINING AND EXAMINATION OF BILINGUAL AND JUSTICE INTERPRETER EMPLOYEES

I. SOME SUGGESTED STANDARDS RELATING TO THE SELECTION, TESTING AND EXAMINATION OF JUSTICE INTERPRETERS AND BILINGUAL EMPLOYEES.

A. Statement of Broad Recommendations

In order to approach the problem of the testing and examination of Justice Interpreter and bilingual employees, it is appropriate to begin with a statement of broad recommendations. These recommendations underlie the specific testing mechanisms which are outlined in later sections of the report. Seven recommendations which can serve as a basis for the model are as follows:

1. A complete review of the job description of the persons providing language services is a must.
2. Performance standards need to be established for persons serving as bilinguals and interpreters.
3. Psychometric instruments must be designed to determine the competence and performance of individuals who provide or may provide language services.
4. Examinations should be offered twice a year to those candidates who want to be considered for classification in the language service.
5. An active list of the approved candidates should be made available to the central unit.

6. A language training program might be instituted to assure the quality of the language service required by different agencies.

7. A pay-scale system should be implemented to guarantee that persons providing language services are rewarded adequately.

These seven recommendations accent five major deficiencies in the Pima County Interpreter System.

1. Lack of a clear definition of the mission of the Interpreter.
2. Lack of interpreter performance standards by which an Interpreter's performance can be judged.
3. Since there are no performance standards, there is a lack of psychometric instruments, specifically Criterion-Referenced Tests.
4. Persons who presently provide language services have been appointed without a systematic and dependable screening of their abilities.
5. Lack of classification for the different levels of language services offered in the system.

The bulk of the mechanisms proposed in this Chapter are directed toward the construction of psychometric instruments to determine the competence of individuals who provide, or may provide language services. These first suggestions regarding testing and examinations are best preceded by a more precise definition of selected terms utilized in this and other sections of the Report.

B. Definition of Terms

1. Bilingual

A bilingual is a person who possesses the ability to mentally translate and orally express statements and questions in English or in foreign languages, e.g. Latin American Spanish including its dialectal bastardization; using phraseology selected to preserve original intent, meaning and emphasis, as orally expressed by the participants in the legal proceedings. A Bilingual is not merely an English-Spanish-speaking employee. This distinction involves distinct levels of skill, training and professional orientation. It may be possible to upgrade or equate an English-Spanish-speaking to the level of a bilingual, but the granting of this equivalence is not usually possible without training and a change in orientation towards the delivery of language services. As operationally defined in this Report, an English-Spanish-speaking employee only becomes a Bilingual employee when he/she has demonstrated an appropriate level of skill and the position he/she is serving in is formally designated as one requiring the skills of a Bilingual as these are specifically defined.

2. Justice Interpreter

As it is utilized in this report, the term Justice Interpreter is an individual who combines the skills normally associated with interpretation and translation. Beginning with the interpretation skill category, a Justice Interpreter is an individual who provides orally and in writing language services in English and in a foreign language, e.g. Latin American Spanish, with a proficiency approaching equivalency to that of an educated native in all of its features, including breadth of technical judicial vocabulary, idioms, colloquialisms, illiterate dialects, professional and legal documents and correspondence, and pertinent cultural references. When he or she orally provides the language service, from a spoken input, it is accomplished by means of Consecutive or Simultaneous interpretations according to the participant and/or system need. His/her abilities encompass and surpass those of Bilinguals and Translators.

3. Translator

As regards the translator dimension of skill,

the interpreter is a person who transfers in writing an oral or written stimulus into another language, conveying its semantic, and cultural values often using the characters or symbols of the particular language. In delivering the rendition, the translator may paraphrase whenever the lack of parallelism in thought or cultural values appears to be evident, in order to eliminate any misunderstanding on the part of the prospective reader. Translation thus implies a written rendering from one language into another, i.e. the written product of a translator as it has previously been defined.

4. Criterion-Referenced Tests (CRT's)

A Criterion-Referenced Test is a word of art which implies a measure specifically adjusted to the task of determining an individual's language skill. The Criterion-Referenced Test is a test methodology designed to test an individual's formally or informally acquired language skills against fixed and job-oriented standards of performance.

To be more illustrative, the preparation of Criterion-Referenced Tests (CRT's) involves elements

as outlined below:

- a. They should contain both performance and subject matter.
 - (1) Judicial
 - (2) Socio-psychological
 - (3) Personality
- b. CRT's should be both oral and written.
- c. Testing should also include problem solving in which there is not a clear cut (school) solution.
- d. They should include the following content:
 - (1) Basic justice system terminology
 - (2) Basic communication terminology
 - (3) Knowledge of the minority composition of the area; as to origin, educational level, economic-industrial-business integration, prominent and influential people in the community.
- e. CRT's should include at least 100 language items to test each of the following by interpreting:
 - (1) Vocabulary items in elementary sentences reflecting frequent usage.
 - (2) Structural items with easy vocabulary, in order to determine the bilingual ability to manipulate grammatical structure.

NOTE: The above procedure is recommended in order to isolate areas of weaknesses.
- f. Language Communication Ability
An interview largely based on the techniques used by the Foreign Service Institute (FSI), which consists of defining five levels of language abilities with sample questions and situations that the interviewee is faced with and has to solve in order to establish his proper level of proficiency.

It is also important to recognize that some other abilities, other than language ability, are needed by Bilinguals and Justice Interpreters, such as: short and long memory capabilities and knowledge of the uses to which the

language assistance is going to be made. As possible and appropriate, these elements should be incorporated into the testing situation.

C. Broad Standards and Examples of Criterion Referenced Test Elements for Bilinguals and Justice Interpreters

The completed construction of valid and reliable Criterion-Referenced Tests would require a considerable investment of time and resources beyond the reach of this project. The test elements as outlined here are provided to orient both Justice Administrators and Language Psychometrists to the relatively unexplained problem of designing such tests for application to the Justice Environment.

1. Bilingual

Beginning first with Bilingual Standards, we propose that bilingual personnel must have:

- a. The ability to mentally comprehend and orally express statements and questions in English or in a foreign language, including job related vocabulary in such areas as social life and/or justice dialogues including those which may ensue under emergency conditions.
- b. Accent may be foreign in English and/or in the target language, but not to a degree that interferes with language communication.
- c. Working knowledge of grammatical structure usage in English and in the target language.

- d. Comprehension for a normal rate of speech in English and in the target language under conditions stated in sub-paragraph "a" above.
- e. Ability to effectively understand face-to-face speech, delivered with normal clarity and speed in a standard dialect.
- f. Ability to orally render the gist of formal and informal conversations on everyday social and professional topics, and also justice environment dialogues which may ensue under emergency conditions, both in English and in the target language.

The above bilingual's standards will be tested before certifying the competence of Bilingual personnel.

In addition, a Bilingual employee should be able to "think on his feet" at a level sufficient to convey meaning to and from two parties who would not mutually understand each other when they use one language alone. The Bilingual should be able to assess the impact of his interpretation on all parties concerned.

Language communication is defined as the ability of the Bilingual to extract and convey information as described in the paragraph above. If no communication occurs, the Bilingual should be able to identify the reason: such as a rare dialect, geographical names that are not expected or known

in the area, or exceptional conditions that could not be routinely anticipated.

The Bilingual should be able to find the semantic equivalents in both languages to convey the proper meaning; an obvious example being "I like her" should not be interpreted as "Yo gusto ella" but "Ella me gusta."

While linguistically five syllables per second in burst of speech is considered normal, for the purpose of establishing these standards certain monitored or prepared materials are required to determine whether these standards can be met.

It must be understood that the personal traits and background of the Bilingual personnel may play a considerable role in reacting to face-to-face speech. For these reasons the testing for Bilingual standards should be expanded to socio-psychological areas. These areas are not intended to be a part of this report, which mostly confines itself to linguistic problems.

The Bilingual should always be aware of the use to which his language assistance is going to be put, so as to allow him/her to concentrate in recalling pertinent data.

A sample and crudely defined Criterion-Referenced Test for Bilingual personnel would involve the following elements:

- a. Being given 10 questions on justice-related conditions, the Bilingual will correctly respond according to predetermined answers.
- b. The Bilingual will correctly interpret orally from English to target language and vice-versa 30 questions as they may appear under justice-related conditions.
- c. Being given 4 samples of target language, the Bilingual will correctly identify dialect and level of literacy.
- d. Being given 15 common idiomatic expressions, the Bilingual will correctly interpret them orally, from English to the target language and vice-versa.
- e. The Bilingual will give a five-minute talk in his/her native language describing the value system of the minority group.
- f. Given a situation (picture, film or slide), the Bilingual will correctly summarize what he/she has seen or heard according to predetermined key units of information. The Bilingual also will be asked to answer questions to supply any missing information.

NOTE: There should be at least 3 sets of this type of test to avoid compromising and to allow periodic testing.

2. Justice Interpreter

The broad standards for Justice Interpreters involve two dimensions; interpretation and translation. These two skill dimensions will be dealt with separately, beginning with interpretation.

Broad Justice Interpreter standards include:

- a. Ability to understand and express complex thoughts expressed in complex sentences in English and in the target language, including technical justice vocabulary.
- b. Thorough knowledge of syntactical and grammatical usages in English and in the target language - both a working knowledge and an academic knowledge.
- c. Enunciation and vocal inflection in two languages (English and target) which is very nearly similar to that of a native English speaker and a native speaker of the target language.
- d. Thorough working and academic knowledge of the levels of literary forms of English and of the target language, including the ability to judge a client's approximate educational level and linguistic patterns and the ability to adjust the interpretation accordingly.
- e. Broad working knowledge of most of the principal dialectal forms of the target language.
- f. Awareness of the areas of intercultural interaction which may cause conflicts between the monolingual speakers of different languages.
- g. Ability to do Consecutive and Simultaneous interpretations with a high degree of accuracy from English to the target language and vice-versa.

It is recognized that persons speaking in the justice environment may use simple or complex types of sentences and the weight of each lexical item - especially those having judicial implications - often is of utmost importance in deciding outcomes in the judicial process.

As a result, the Justice Interpreter should have a thorough knowledge of grammatical structures in English and the target language, both working and academic. This knowledge is needed to support his/her performance under adverse cross-examination. Enunciation and vocal inflection are important in order to obtain the confidence of all parties involved. It is very important that both a non-native of English and English-speaking parties can rely on the Justice Interpreter's capabilities. This extends the Justice Interpreter's skills to an ability to transfer accurately, not only language meanings, but also the moods and feelings of speakers of various social backgrounds. The knowledge of the principle dialects is important in order to identify the origin and specific social-cultural values of the non-native speaker of English. Dialect includes features of speech (choice of lexical items, intonation patterns, etc.) that characterize the speaker as belonging to a certain group whether regional, educational, or other. What is normally called standard speech, whether English or Spanish, is called in this context, the dialect of the educated, administrative and ruling class, and/or the dialect which is normatively prescribed in schools.

Since different cultures and groups have different values systems, these values may come in conflict even when the speakers belonging to different groups may not wish to hurt feelings, cause frictions or encourage misunderstandings. Tension points may occur in reference to greetings and gestures as well as attitudes toward religion, law, marriage, motherhood, or other subjects. Especially important is the knowledge of the taboos of the various cultures.

By definition, the Justice Interpreter must be able to do Consecutive and Simultaneous interpretations with the full knowledge that his/her accuracy is very important. Interpreting under these conditions is very demanding and cannot be achieved without special training, even though all language skills may otherwise be present. Such training includes practice in order to develop stamina, self-control, and concentration. This will also require the ability to interpret a great number of stock phrases and idioms without lagging too far behind.

Prior to being allowed to take the Justice Interpreter Criterion-Referenced Test, the testee should be required to pass the Bilingual Criterion-Referenced Test. The Justice Interpreter Criterion-

Referenced Test as involves the interpretation skill would have the following elements:

- a. An interview or dialogue of approximately 600 words would be orally interpreted without causing any interruption in the interview or dialogue.
- b. After being given 50 items in English and 50 items in the target language which represent major structural problems of both languages, the Justice Interpreter will correctly interpret them all. It is important to note that the lexical items should be of varying degrees of difficulty in order to isolate areas of weaknesses in the knowledge of language structures.
- c. A five-minute interview with a panel of at least two native speakers of the target language will determine whether enunciation and vocal inflection are acceptable. A separate panel for English will make similar determinations for English.
- d. Given five paragraphs of approximately 100 words each and requiring skill at different levels of literacy, the Justice Interpreter will orally interpret with accuracy as it is defined by a pre-determined key. The key should allow for variations within literary levels. The following sentences exemplify literacy levels:
 - Those individuals do not possess any.
 - Those persons do not possess any.
 - Those persons do not have any.
 - Those people do not have any.
 - Those people haven't got any.
 - Those guys haven't got any.
 - Those guys haven't got none.
 - Them guys haven't got none.
 - Them guys ain't got none.

- e. Being given on tape four paragraphs of 100 words each, the Justice Interpreter will correctly identify the voices as belonging to a specific dialect.
- f. The Justice Interpreter will interpret a fifteen minute Consecutive interpretation which duplicates courtroom or other justice environment situations, without falling behind and causing an interruption.

Prior to skill-testing as a Justice Interpreter as specifically defined above, an individual should be tested for his/her translator skills. As a matter of testing sequence, a language testee should first pass the Bilingual examination, then the Translator and finally the Interpreter Criterion-Referenced Test.

3. Translator

Broad standards for the Translators include:

- a. Ability to equate non-native records with their equivalent, i.e., birth certificate, marriage certificate, police records, letter of reference, etc.
- b. Ability to translate documents written in English into socio-psychologically acceptable documents in the target language.
- c. Ability to paraphrase non-existent English and/or target language equivalents, and demonstrate why these differences exist from the sociological, psychological or ethnological view points.

A Translator Criterion-Referenced Test outline that flows from the translator as detailed would be as follows:

- a. Given 5 sample documents in both English and target language, the Translator will correctly translate predetermined key words and/or concepts.
- b. Given 5 sample documents in English at various levels of literacy and representing major dialectal patterns, the Translator will identify the level and dialect for each item, and translate them into the target language in such a way that dialect and level of literacy is accurately reflected according to pre-determined forms.
- c. Given 5 paragraphs which reflect cultural conditions and/or values that do not have exact equivalents in the other language (English-Spanish, Spanish-English) the Translator will correctly identify the areas where the lack of equivalent is evident, and will paraphrase in such a way as to show:
 - (1) The cultural conditions or values, e.g., the status of unmarried women.
 - (2) The relative importance on both cultures, e.g., the importance of Godfather.

D. Oral Rating Forms and Criterion-Referenced Tests

1. Criterion-Referenced Tests Format

Tests based on the Criterion-Referenced format require each item to be graded on a pass/fail basis. Supplemental boxes on rating forms may be supplied, for the examiner's convenience, to evaluate particular areas of weaknesses such as lexical, structural and/or cultural inadequacies. The following is one suggestion for such an Oral Rating Form.

ORAL RATING FORM

Name of Candidate: _____ Date: _____

Rater: _____

Items	PASS	FAIL	Elements to be rated showing weaknesses*				Remarks
			Pron.	Grammar	Vocab.	Fluency	
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

* Check area of weakness, especially on a FAIL item. Passing would be considered when meaning was conveyed in the proper semantic context.

2. Oral Test Items

As regards test items that specifically test for oral language communication ability, the following format is suggested as a possible approach:

INSTRUCTIONS FOR RATING ORAL PERFORMANCE

For every question or item (either directed utterances or free responses), rate the testee's performance in each element on a 3-point scale (0-2) according to the following criteria:

Elements	Rating	Criteria for Rating
Pronunciation	0	No response. Inadequate. Extremely foreign.
	1	Not native but adequate.
	2	Near native.
Grammar	0	No response. Unintelligible, incomprehensible response.
	1	Comprehensible but with faults.
	2	Excellent. Has minor (if any) errors of grammar or word order.
Vocabulary	0	No response. Uses wrong vocabulary.
	1	Satisfactory. Sometimes uses simpler terms (because of inadequate vocabulary), but gets the message across.
	2	Excellent. Rarely has trouble expressing himself with appropriate vocabulary and idioms.
Fluency	0	No response. Inadequate. Speech is halting and fragmentary.
	1	Acceptable, but noticeably hesitant.
	2	Excellent. Speech speed and sentence length appropriate. Near native patterns.

3. Examiners and Test Writers

The choice of examiners and test writers has to be made with some degree of arbitrariness. Nevertheless, after the batteries of tests are written, field tested and adopted, the pre-requisite for any examiner would be the successful performance on each of the tests in question.

The team constructing the tests should consist of at least:

- a. A psychometrist to advise on criterion, validity and reliability of the tests.
- b. An advisor on justice environment matters who has familiarity with the Justice Interpretation Context from arrest through sentencing.
- c. A specialist in English, such as an English teacher, but preferably a social linguist, to advise on levels of literacy. A desirable characteristic for this advisor should be a complete objectivity towards all forms of speech.
- d. The same thing as in the previous paragraph, but in the target language.

The people mentioned above may write part or all of the tests; if that is not feasible, they must prepare sample items and direct other native speakers of English and the target language to construct the batteries of tests.

CHAPTER VII

MODEL RECOMMENDATIONS OVERVIEW AND IMPLEMENTATION REQUIREMENTS

This Chapter attempts to highlight some of the principal concepts, recommendations and requirements for the implementation of the Pima County Superior Court Justice System Interpreter Model. More detailed recommendations and requirements are found in other Chapters and Sections of the report.

I. PRE-BOOKING PROCEDURES

The project staff, due to the limitations of the project, was not able to properly evaluate, analyze and make valid recommendations regarding pre-arrest, and arrest procedures. Efforts should be undertaken to thoroughly assess the present practices of law enforcement agencies related to the provision of language services during pre-arrest and arrest stages. Administrative procedures and manpower resource allocations could then be designed to ensure language services protections for persons whose primary language is other than English. The Tucson Police Department presently has a response time of less than ten (10) minutes from the time a non-Spanish-speaking officer comes in contact with a non-English-speaking person and requests language assistance to the time an English-Spanish-speaking officer arrives to assist. The Tucson

Police Department is also the only police department that has been called by telephone (during samplings of telephone calls to public agencies in Tucson and elsewhere and in which only Spanish was spoken to the person answering the telephone) which immediately transferred the call to a Spanish-speaking operator. The anticipation and pre-planning for receiving such calls by the Tucson Police Department is indicative of its progressive management and administration. A systematic and comprehensive review of all procedures related to language services can result in additional improvements of the kinds that the Tucson Police Department has already initiated.

II. ARREST, BOOKING, AND SYSTEM NOTIFICATION

The report recommends the adoption of a "Red Flag" system which would notify in advance the Sheriff's Office, County Attorney's Office, Public Defender's Office, and the Courts of persons in the system with language deficiencies. The identification of a language handicap person would be made through the use of a diagnostic test instrument. The test instrument should be designed so that it can be quickly administered, utilize questions which might be asked as a part of the usual booking process, and, that could be administered by monolingual English-speaking persons.

The Pima County Superior Court has been recommended for the principal leadership role to: (1) implement and systematically monitor the report recommendations; and (2) assure increased language services activities. Centrality in the process and its special institutional decision-making responsibility are the main reasons for recommending the Superior Court for the leadership responsibilities. However, in order to implement and integrate a county-wide language services program, organizational leaders must support the concepts, set the conditions, define the tasks, and set the time frames for its implementation.

III. RECOMMENDATIONS AND REQUIREMENTS RELATED TO BILINGUAL AND JUSTICE INTERPRETER POSITIONS.

The Justice System Interpreter Model recommends the creation of two new positions, Bilinguals and Justice Interpreters. The services of the two new positions would be available to the criminal justice system through basically a centralized Justice Interpreter and decentralized Bilingual approach.

A. Justice Interpreters

1. Justice Interpreter positions would be created under the jurisdiction of the Superior Court and its personnel system. Justice Interpreters would:
 - a. Provide high skill oral language services to the courts.
 - b. Provide high skill oral language services to related agencies/departments of the criminal justice system upon request in instances when the matter to be interpreted requires higher skills than those of Bilinguals.

- c. Translate forms and other necessary written information for the courts and upon request by related agencies/departments of the criminal justice system.
 - d. Be available to the entire criminal justice system for technical and other expert language assistance in the selection, training, and evaluation of services provided by Bilinguals.
 - e. Assist the Superior Court carry out its leadership responsibilities for the provision of language services throughout the entire criminal justice system by evaluating the quantitative and qualitative measures of the model recommendations.
 - f. Develop training programs for Bilinguals.
 - g. Develop training programs for systems personnel including judges and attorneys designed to improve the administrative and procedural utilization of Justice Interpreter and Bilingual services.
2. Initial Requirements Prior to the Selection of Justice Interpreters.
- a. Develop performance standards.
 - b. Design psychometric instruments to determine competence and performance.
 - c. Adopt a pay scale system to assure high quality.
 - d. Develop certification process.
 - e. Develop data collection and evaluation tools to measure quantitative and qualitative impact of model recommendations including degree of implementation.

- f. Develop evaluation instruments to measure qualitative and quantitative impact of justice interpreters including impact of administrative and procedural recommendations.

B. Bilinguals

1. General

The initial steps to the creation of Bilingual positions are left to individual justice system related agencies/departments. The agency/department must systematically determine the potential need for Bilingual positions and request of their respective personnel departments that the need be documented and the position(s) created and classified. The designation of Bilingual, of any employee so designated, will require that the employee meet established language skill qualifications in addition to those of the principal classification, i.e. a Clerk-Typist II would qualify for that classification and in addition meet the qualification requirements established for a Bilingual employee performing related duties to the area of principal assignment. Bilinguals would:

- a. Provide oral language services for the department/agency and to language handicapped persons who come in contact with the department/agency in the area to which assigned.
- b. Be sufficiently familiar with matters pertaining to his/her principal duties and the areas of operations to which assigned and be able to provide adequate language services in English and in the target language.

2. Initial Requirements Prior to the Selection of Bilinguals.

- a. Each justice related agency/department assess the potential need for Bilingual positions.
- b. Systematically evaluate potential contact/process points to document need and number of positions to be created.

- c. Develop guidelines through which employee(s) serving in the Bilingual function will be classified.
- d. Survey differential pay systems and adopt a differential pay system for positions classified as Bilingual.
- e. Develop standards for examination and selection.
- f. Develop certification process.

APPENDIX I

METHODOLOGY; GENERAL PROJECT; LANGUAGE TRANSACTION OBSERVATIONS; DATA CHART; ENGLISH-SPANISH-SPEAKING EMPLOYEE; AND, FORMS USED FOR THE COLLECTION OF DATA/INFORMATION AND OBSERVATIONS

I. GENERAL PROJECT

In August, 1974, a discretionary grant award in the amount of \$28,492 was made by the Law Enforcement Assistance Administration, U. S. Region IX, Department of Justice, through the Arizona Justice Planning Agency to the Pima County Superior Court for the development of a Justice System Interpreter Model. The model development was limited to criminal matters and only for the Spanish language. Judge Birdsall notified the principal criminal justice related agencies in Pima County of the grant award and invited them to participate. Participation in the project was to be on a voluntary basis. In February, 1974, Pima County Superior Court entered into contact with the Institute for Court Management of Denver, Colorado to conduct the research and develop the Justice System Interpreter Model.

A meeting was held in February, 1974, of representatives of agencies invited to participate and the project staff director. The purpose of the meeting was to explain and discuss the grant award and to determine which agencies/departments would be participating in the model development. A second meeting was planned for March, to which the participating agencies would send representatives. The agency representa-

tives would serve as an advisory committee to the project. In the second meeting, the intent and purpose of the project, as well as the base data/information needed from each participating agency/department to initiate the project was discussed and solicited. A form specifying initial data needed was distributed and discussed. (See Form #1, Section C of this Appendix)

The departments and agencies represented at the initial meeting were: Pima County Superior Court; Pima County Justice Courts; Pima County Attorney's Office; Pima County Public Defender's Office; Pima County Sheriff's Office; City of Tucson Prosecutor's Office; City of Tucson Court; Tucson Police Department; and, the Arizona State Department of Public Safety.

The designated representatives of the departments/agencies formed the Justice Interpreter Model Development Project Advisory Committee which would serve to:

1. Be the principal sounding board for assessing the accurateness of information/data gathered and concepts developed.
2. Be the principal contact persons within the participating departments to the project staff for the collection of data/information and the conduct of language transaction observations.
3. Keep department heads and personnel apprised of the purpose and progress of the project as well as the activities of the project staff.

Advisory committee members and the department/agencies represented are as follows:

<u>DEPARTMENT</u>	<u>NAME</u>
Pima County Attorney's Office	David Dingledine, Esq.
Pima County Justice Court Precinct #2 Precinct #4 Precinct #5	Norma Felix Charlotte Taylor Rebecca Stoddard
Pima County Public Defender's Office	Ray Montes De Oca, Esq.
Pima County Sheriff's Office	Evan Stevens
Pima County Superior Court	Martin Leon
Tucson City Court	Edward Casanova
Tucson City Police Department	Lt. Ron Zuniga
Tucson City Prosecutor's Office	Janice Lahr, Esq.

The project staff director held meetings with individual agency representatives to discuss and gather more data/information regarding their specific agencies. The kinds of information needed from these agencies were: workload statistics; workflow process; personnel assignments; staff size; organizational structure; departmental interfacing with other related criminal justice departments; frequency of requests or need for bilingual services; availability and utilization of English-Spanish-speaking personnel, and, personnel policies and procedures related to language services.

Specific persons and departments were identified at the University of Arizona, Pima Community College, and Tucson Public School District #1, who reportedly had conducted or knew of research, data, or other information related to language transactions in judicial settings, or, which in some way could have a bearing on the development of the model.

These sources were also used to identify persons who could be utilized to serve as language research and legal research analysts.

The personnel departments responsible to the three principal jurisdictions participating in the project were contacted to obtain information related to personnel policies, practices and procedures, especially those policies, practices and procedures related to employees with foreign language skills and duties. The personnel departments contacted were the Pima County Personnel Department, City of Tucson Personnel Department and, the Court Administrator's Office and the Administrative Assistant to the Presiding Judge of the Pima County Superior Court. Information obtained were jurisdictional policies and procedures related to recruitment, selection, training, classification, and compensation of positions requiring abilities to provide foreign language services.

The policies and procedures were carefully analyzed so that recommendations formed could be integrated, to the

extent possible, into existing personnel systems.

Individual interviews were conducted with English-Spanish-speaking employees, including those presently interpreting for the courts, who were familiar with the present delivery system for language services within participating agencies. The interviews were primarily conducted to gain a perspective on the extent of potential need and the present manner of service delivery to persons with English language deficiencies.

The process of key project staff selection was also initiated. Staff was selected on the basis of experience, training, education, and familiarization in the areas of law, judicial administration, and the specialized technical aspects of the project. Following the selection of key staff, a joint meeting of key staff was held. Orientation to the scope, purpose, and intent of the project was given by the project staff director as was an overview of the Pima County Criminal Justice System. Copies of all data/information collected to date were distributed to each key staff member for preliminary review and analysis. Extensive discussions were held to clarify the need for the collection of specific data/information and coordination of key staff effort.

The on-site research coordinator was assigned to serve and be located in Tucson. Upon the arrival in Tucson of the on-site research coordinator, he was introduced by the

project staff director to: the Presiding Judge of the Superior Court; other Superior Court personnel; each member of the Advisory Committee; other criminal justice system departmental staff persons who had been met previously by the staff director; and, contacts which had been made at the University of Arizona and Tucson School District #1. The purpose of these introductions was to explain the role and responsibilities which the on-site research coordinator would be carrying out and to lay the groundwork for the actual recruitment of language research analysts and the conduct of language transaction observations.

The recruitment and selection of language research analysts began. Priority preference was given to third year law students with English-Spanish speaking capabilities. It was quickly experienced that such selectivity was not possible. Other sources were pursued with previously established contacts. The students ultimately selected represent English-Spanish speaking individuals with experience and/or training in language, law, education, or other related fields. Arrangements were made with all participating agencies for the language analysts to conduct observations and interviews.

The College of Law, at the University of Arizona, was again utilized to recruit and select third year students to conduct the basic legal research required for the model development. Specifically, legal research was needed on the

Arizona Constitution, Statutes and Attorney General opinions which could have an effect on the ultimate proposed model and recommendations.

The Dean of the College of Law arranged for interested law students to meet during an evening with the staff director. Several law students attended the meeting. The purpose of the meeting was to introduce the Project by giving an overview of it's purpose and to accept applications from those students who were interested and available. Again, as with the selection of language research analysts, it was discovered that the number of law students with sufficient time to conduct research, in addition to their studies, is limited. Ultimately three students were selected. A meeting of the three selected students was held at a later date. The purpose of the meeting was to: 1) discuss in greater depth previous legal work done related to interpreter services for non-English speaking persons during criminal proceedings, and 2) assign specific research areas. Telephone contacts were made periodically with the law students to assess progress. However, despite efforts to maintain close contact with them, except in the case of one, it was not possible to reach or meet with them on a regular basis. It was then decided to retain the services of a local attorney to coordinate the efforts of the law students and to review their work.

The collection of general data/information continued through personal contact, telephone calls and mail. As

it was collected it was transmitted to the respective core staff members with primary specialty responsibility. In instances where the data/information crossed specialty boundaries, the information was also distributed to other core staff persons. Each distribution of information, after being received by staff, was analyzed, questions raised and tentative conclusions reached. Each collection of data/information was cross-checked through interviews with different employees within a department/agency as well as with personnel in interrelated departments/agencies to assess perceptions and common understandings. In some instances the needed data/information was non-existent; especially, for purposes of developing a language services model. In such instances the project staff sought detailed information through interviews and observations to fully understand language transactions, and work and paper flows. For example, it was not sufficient to know that from a previous identifiable process point (arrest) the arrestee arrived at another identifiable process point (booking), but: How did the arrestee arrive? Who brought him/her in? What did the person who brought him/her in do first? What did the person who brought him in do next? What did the arrestee do or say when he first arrived? Who heard the arrestee or responded to his/her comments and questions? Who asked questions? What was the purpose of the questions? Were the questions standard-

ized and/or written? Were the questions unwritten and spontaneous? What about the responses? What happened next? This and other information was obtained through personal interviews with justice system employees and through systematic observations conducted according to structured observation criteria. Observation forms were designed for use by language analysts to collect information about language transactions and process. The language observation methodology is discussed in this Appendix, Section II. Forms used in the collection of data/information for the project are also included in this Appendix, Section III.

In November, 1974, the core staff met in Tucson to collectively report on initial positions and to integrate those positions into an acceptable project plan. Two complete days were needed and devoted solely to discussions about terminology, clarification of understanding related to project purpose and intent, and, the alternatives to issues and problems of integrating into a systems flow the interrelationships of the different governmental jurisdictions into an effective system for the delivery of language services.

The approach used by core staff of writing the concepts to be included into the basic model while together proved to be extremely helpful in the following respects:

1. Each staff member had an opportunity to share

ideas with other core staff members and to receive the benefit of their views.

2. Each idea discussed enabled the core staff to decide on the relative merit of the idea and how it effected other sections of the model.

3. Related questions could be raised for which additional information/data was needed.

4. Additional information/data could be sought which would be more inclusive.

Informational voids were identified and filled. The staff then began to formulate and conceptualize concrete plans for the development of the language services model. Each proposed suggestion was reviewed and considered in view of idealism and practicality.

The initial draft of the proposed model was distributed to each member of the advisory committee for their review and input. Copies of the initial draft were also distributed to the Presiding Judge of the Superior Court and the Pima County and City of Tucson Personnel Offices. Following the distribution of the initial draft, individual meetings were held with the presiding judge, staff members of the Pima County and City of Tucson Personnel Offices and members of the advisory committee to discuss their views of the concepts and accuracy of content. A meeting of the advisory committee was also held. All suggestions made and additional information received during the individual meetings and the meeting of the advisory committee

were disseminated to the core staff and considered for inclusion into the final draft of the model report. On January 2, 1975 the core staff met in Tucson for four days. Suggestions, information and reactions received to the initial draft were discussed to assess needed revisions or additions in the writing of the final report. Additional information/data voids were identified and filled. Portions of the final draft were written and needed additions to the final draft identified and responsibility for them agreed upon before leaving Tucson. As sections of the final draft were prepared, copies were disseminated and reviewed by core staff for corrections and revisions.

Prior to the final submission of the Pima County Superior Court Justice System Interpreter Project Model Report, a copy of the final draft was disseminated to the Presiding Judge of the Superior Court and to each member of the advisory committee for their final review. Following the final review by the presiding judge and the advisory committee the final report was submitted.

Agencies/Departments Interested in Participating but Not Included In Basic Model

An acknowledgement is in order at this point of three departments/agencies which had indicated interest and willingness to participate, but are not included in the basic model design.

Tucson City Court and City Prosecutor's Office: Considerable time was spent in gathering data/information to understand the operations of the City Court and the City Prosecutor's Office. The workflows and need for the provision of language services were discussed. Due to the developing understandings of their relationships to the principle focus of criminal offenses, their inclusion into the basic model design has not been considered of priority to a transferable prototype for the delivery of language services. However, specific consideration as to the unique conditions of these two agencies are discussed in Appendix II. One of the problems peculiar to the City Court is the widespread use of citations and summons.

The Arizona Department of Public Safety: Sergeant Frank Hutcheson attended the initial and second meeting of the advisory committee. Apologies are due to this department for not having included them in the model. Criminal process workflows and the problems of integrating three principle jurisdictions, i.e., Superior Court, Pima County, and, the City of Tucson, necessitated the decision to not include the Department of Public Safety. The decision to not include the three agencies/departments should not be construed to mean that the project staff does not recognize the importance or need for adequate language services in these offices, but, that the limitations of time and available funds necessitated that priorities be given to the agencies/departments involved in the principal workflow

of the criminal justice process.

II. LANGUAGE TRANSACTION OBSERVATIONS

A. Initial Contact With Participating Agencies

Although the project staff director had done extensive preparatory work with personnel of the participating agencies, additional work by the research coordinator was necessary along the lines of further discussions regarding the following: the objectives of the project; the confidentiality of the data to be gathered, and, of any incidental information come upon in the normal course of the observations; the format and content of the forms to be used for data gathering; the observers' working techniques; and, the observers' schedule to reflect the time periods in which the number of needed observations would be maximized.

B. Recruitment of Language Transaction Observers

At the planning conceptual level of the project, it had been expected that all language transaction observers would be recruited from the University of Arizona Law School; however, as the recruitment work evolved, it became apparent that the number of

available qualified English-Spanish-speaking law students to do the work was limited. Consequently, more additional work and time than anticipated was allocated to the recruitment of English-Spanish-speaking observers. However, despite these difficult problems, the coordinator was able to recruit individuals who proved to be highly competent.

An observer with law school training did not prove to automatically provide the project with an observer possessing knowledge of the many intricacies of the criminal justice system. This deficiency was magnified with non-law students observers. As a result, much time was spent in the orientation and training of observers, not only at the initial stage of the individual observer's work, but also throughout the time period of the data gathering.

C. Initial Observations By On-Site Research Coordinator

The initial step for the preparation of conducting actual observations at each criminal justice system process point began with the research coordinator's review of summarized written data previously collected by the project staff director. The research coordinator then proceeded to interview process-point personnel

and initiate documented observations. The purpose of this important preliminary work was to: 1) custom-design each form to be used in gathering data; 2) develop customized observers' techniques; 3) establish additional personnel contacts which would ensure a more cooperative atmosphere for the observers; and, 4) collect all relevant standard printed forms used in the criminal work flow process.

D. Observation Form Design and Formulation of Observers' Training Program

The research coordinator was now ready to work on observation data gathering form design. The "final" design of the first form to be used by observers was considered tentative. The form would be continually evaluated and revised as needed with the addition of the observers' input stemming from their practical experience in the field. However, each additional change that was made was but a refinement of the original format, thus not invalidating the consistency of previously gathered data.

Simultaneous with the form design work, formulation of a training program for the observers began. Each training program addressed itself to the peculiarities of where the data was to be gathered (i.e., the working environment, identification of actors in terms

of their skill and personalities, sources of data techniques for recording data, terminology, procedures and rules, and working limitations on the observer) thus, designed to build confidence and competence in the English-Spanish-speaking observer.

Due to the difficulty in recruitment, it was not possible to hold group orientation sessions for observers; instead, orientation became a very individualized program catering to the realities of the employment practice. Moreover, even if a group orientation and training program would have been possible, it would have had limited application because of the distinctiveness of each group of assignments. The work entailed specialization which demanded individual attention.

E. Individual Observer's Assignment, Orientation, Training and Work Clearance

Generally, as the assignment had already been strongly determined (part of the job interview considered to what best use the observers qualifications would be applied in the project) the training program was as follows:

1) an orientation in the coordinator's office which was later followed by; 2) on-the-job-training. The practice of on-the-job training was justifiable because of the complexities involved at each process point. The com-

plexities were best understood by the trainee in a shorter time under actual working conditions by exposure and prompt briefing and guidance. Parallel to training, introductions and necessary clearances were initiated and completed. The observers were introduced to either the official liaison of the participatory agency, or, to the personnel where the observer would be working. Necessary clearances were arranged by filling out standard forms or the writing of letters of introduction by the research coordinator.

F. Observation Standards

The techniques used for data gathering for this project were heavily influenced by the nature of observations, budget, and, time limitations of the project. Conceivably, more sophisticated techniques, other than observations and interviews could have been used; however, all considered, the chosen techniques proved to be relevant and valid.

The development of observational standards began with the coordinator's initial observations. During the initial observations, many variable factors were identified and were dutifully accounted for in the final conclusive standards. Some of the identifiable factors are

as follow: 1) the observer's physical position in relation to the subjects under study; 2) preliminary screening out of cases in the field when no language transactions took place; 3) different techniques used to interview subject; and 4) the amount of project information given to the subject interviewed and observed.

G. Monitoring of Observer's Work

Close monitoring of the observers' work was achieved through regularly scheduled meetings between the coordinator and the observers. To the extent possible, the meetings were scheduled as soon as feasibly possible after the actual observation work. By the time the personalized meeting was held, each observer had had an opportunity to record and review for accuracy, at least once, the recently gathered data. The post-observational written work was done shortly following each observation period while the information was fresh in the observer's mind. Each case was analyzed by the coordinator. If necessary, a case would be discussed with the observer for relevancy of new data to the project. Many tentative conclusions in various areas of the study were formulated; and, of course, these conclusions were updated as additional pertinent

data was received.

Another valuable objective achieved through these frequent meetings was that of additional training for the observers. Puzzling questions and other inconsistencies were clarified. As time progressed, a group of top-grade observers was developed.

H. Continual Consultation with Participating Agencies

As the observation work progressed, the coordinator regularly interviewed process-point personnel and liaison representatives. The objectives of the interviews were: 1) to clarify perceived inconsistencies; 2) to seek answers to operational and legal procedural questions which had been raised but not resolved during discussions between the coordinator and observers.

I. Final Phase of Observation Work

Discussion meetings between observers, coordinator, and coordinator and project director. During the final closing stages of the observation work, lengthy discussions were held with observers individually, and with the project staff director present, as a group. The purpose of the discussions was to review and analyze the totality of the observation work towards the formulation and further updating of tentative conclusions.

III. DATA CHART

The following data chart concisely presents some of the information regarding language transaction observations made at certain process points in the Pima County Criminal Justice System during September, 1974 to January, 1975. An explanation is warranted regarding these data. Attention must be given to the limitations of these data which are: a) because of monetary limitations it was fully understood at the planning conceptual level that the study would not and could not completely assess the participating organizations' total language services "program", and, b) recognizing the inherent limitations of resources, the sampling of process points were identified on the basis of: a) the highest degree of critical legal impact on the citizen process, and b) the usefulness of observations to develop conceptual guidelines for the formulation of a model.

CONTINUED

2 OF 4

Language Transaction Observation Data

The chart below concisely presents some information regarding the language transaction observations made at certain carefully chosen critical process points of the Pima County Criminal Justice System during Sept. 1974 - Jan. 1975.

(1) Process Point.	Tucson Police Dept: patrol car.	Pima County Sheriff's Dept: Booking		
		<u>Main Jail</u>	<u>Annex Jail</u>	<u>Combined</u>
(2) Total observation cases.	66	79	41	120
(3) Total observation hours.	102	106	36	142
(4) Incidence rate of non- English speaking persons. (from our sample)	13.6%	6.25%	4.88%	5.08%
(5) Other (specify).	Observations made during 18 patrol car shifts, each observation period from 5 - 8 hours.	Observations made during 18 evenings at the main jail and 6 evenings at the annex jail; each observation period 5 - 10 hours.		

(1) Process Point	Justice of the Peace Initial Appearances	Tucson City Court Criminal Arraign- ments	Pima County Superior Court Criminal Arraignments
(2) Total Observation Cases	460	468	325
(3) Total Observation Hours	54	36	29
(4) Incidence Rate of Non- English-Speaking Per- sons from our Sample	4.56%	1.92%	1.22%
(5) Other (Specify)	Observations made During 22 Initial Appearance Sessions	Observations made During 18 Crimi- nal arraignment Sessions	Observations made During 13 Crimi- nal Arraignment Sessions

(1) Process Point	Pima County Superior Court Criminal Trials	
(2) Total Observation Cases		17
(3) Total Observation Hours		130
(4) Incidence Rate of Non- English-Speaking Persons from our Sample		N/A
(5) Other (Specify)		N/A

IV. ENGLISH-SPANISH-SPEAKING EMPLOYEE LOG

Employee logs were distributed throughout the Pima County Criminal Justice System for the purpose of providing us a rough estimate regarding the frequency of Spanish language services. The log documented the date, time duration of the service extended and subject matter. As expected, not all logs were returned and not all of those returned were completely and accurately filled out.

The tabulation of the returned logs gave us a rough estimate that during the week of December 8 - 14, 1974, two hundred and seventy-seven (277) individuals were provided with Spanish language services. The services represent a grand total of one hundred and fifteen (115) hours of employee time. This sampling documentation clearly shows that substantial Spanish language services are needed and provided by the English-Spanish-speaking employees of the Pima County Criminal Justice System.

PIMA COUNTY SUPERIOR COURT
JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT
INFORMATION NEED

A. DEPARTMENT

1. Organizational Chart
2. Criminal Process Flow Chart
3. Key Criminal Process Workflow Points
4. If interpreters utilized:
 - a. Where? (At what points)
 - b. Who supervises?
5. Summary(ies) of unit(s) responsibility(ies).

B. WORKLOAD

1. Statistical Reports
2. Statistical Data on Number/Percentage of N.E.S.
3. Principal Service Demands/Requirements
 - a. Informational _____%

Comments:

b. Procedural _____ %

Comments:

C. BILINGUAL MATERIALS, SYSTEMS AND OTHER AIDS

1. Presently used and/or available forms, tapes, signs, etc.
Provide copies, if possible.

2. Needed.

D. PERSONNEL

1. Number of bilingual personnel. Identify by name, classification/assignment.

<u>Name</u>	<u>Classification</u>	<u>Assignment</u>
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2. Compensation differential policies, if any.

3. Examination procedures including copies of tests, if possible.

4. Total number of personnel.

E. CRITICAL POLICIES, RULES, STATE & FEDERAL STATUTES - INTERPRETER RELATED

Reference

Effect (Explain)

F. AT WHAT POINTS DOES YOUR DEPARTMENT TRANSACT EXCHANGES OF INFORMATION OR OTHER BUSINESS OF IMPORTANCE IN THE CRIMINAL JUSTICE PROCESS

Related Department Function

G. PLEASE OFFER ANY COMMENTS WHICH YOU THINK WILL ASSIST THE PROJECT STAFF IN DEVELOPING A QUALITY PRODUCT

DEPARTMENT REPRESENTATIVE DATE

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Patrol Car, Tucson Police Dept.

POLICE OFFICER'S INTERVIEW

Page 1 of 2

Date _____

Observer's name: _____

Officer's name: _____

DIRECTIONS: If you need additional space, please use "Notes" section and specify, i.e. A, B, C ...

A. In addition to receiving messages from you communication center and to your on-site observations, how else do you determine there is a need for your taking action?

B. Generally speaking, when do you first advise a suspect of the action you will take against him (please include two examples)?

C. Generally speaking, when do you first inform a suspect of his rights (please include two examples)?

D. Generally speaking, where do you interview the suspect (please include two examples)?

E. What do you do in a situation when the individual involved in reporting a complaint to you does not speak English?

F. What do you do in a situation when an individual is subject of an investigation and he does not speak English?

NOTES:

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Patrol Car, Tucson Police Dept.

FORM I

Case No. _____

Page 1 of 2

Date of observation: _____

Time of observation: _____

Observer's name: _____

Officer's name: _____

DIRECTIONS: If you need additional space, please use "Notes" section and specify, i.e. A, B, C ...

A. How was the Officer notified of the incident?

B. Brief description of incident which necessitated action of Police Officer:

C. Spanish surname citizen(s)? _____

If yes, please give surname(if known to you): _____

D. Does suspect/complainant have difficulties communicating with Officer(s) as a result of his English language deficiency?

E. Language(s) spoken by individuals involved in the language transactions:

	<u>English</u>	<u>Spanish</u>	<u>Other (specify)</u>
Officer 1	—	—	_____
2	—	—	_____
3	—	—	_____
Citizen 1	—	—	_____
2	—	—	_____
3	—	—	_____

NOTE: If suspect/complainant is provided with interpreter services as a result of his English language deficiency, please fill out Form II.

PROCESS POINT OBSERVATION: Patrol Car, Tucson Police Dept.

Form II
Case No. _____
Page 1 of 3

DIRECTIONS: This form is to be filled out only for suspect(s)/witness(es) provided with interpreter services. If you need additional space, please use "Notes" section and specify, i.e. A, B, C ...

F. Summary of language transactions between Officer(s) and citizen(s):

G. If any legal terms used, please list:

H. Extent of your observation of this incident (in relationship to participation of Officer with whom you are riding):

Complete _____
Partial _____

If partial, what prevented you from complete observation?

I. Comments on other matter you may consider relevant to this observation:

J. Suggestions to improve this form so better observation data can be gathered in the future:

NOTES:

A. Who determined suspect(s)/witness(es) needed interpreter services?

B. What criteria do you think was used to identify the English language deficiency? (Examples: Poor/none comprehension, heavy accent, poor grammar, body language, etc.)

C. Interpreter(s) immediately available? _____

If yes, to your knowledge who was available?

If no, what happened?

D. Did the interpreter communicate to the language handicapped suspect(s)/witness(es) all that was said by the Police Officer(s)? _____

If no, what was not interpreted?

E. Did the interpreter communicate to the Police Officer(s) all that was said by the language handicapped suspect(s)/witness(es)?

If no, what was not interpreted?

PROCESS POINT OBSERVATION: Patrol Car, Tucson Police Dept.

Form II
Case No. _____
Page 2 of 3

F. In terms of the time element technique used by the interpreter in this case, which technique prevailed?

Consecutive _____
Simultaneous _____
Neither _____

If "Neither," please elaborate:

(a) When was "Consecutive" used?

(b) When was "Simultaneous" used?

G. In terms of the linguistic approach technique used by the interpreter in this case, which technique prevailed?

Conceptual (summary) _____
Equivalent _____
Neither _____

If "Neither," please elaborate:

(a) When was "Conceptual" used?

(b) When was "Equivalent" used?

PROCESS POINT OBSERVATION: Patrol Car, Tucson Police Dept.

Form II
Case No. _____
Page 3 of 3

H. Your rating of the language services provided by the interpreter in this case:

Excellent _____
Good _____
Fair _____
Poor _____

Please explain the rationale behind your choice:

I. Aside from the use of an interpreter, does the investigation in this case differ significantly from the cases of English speaking suspect(s)/witness(es)?

J. Comments on other matter you may consider relevant to the interpreter services provided in this case:

K. Suggestions to improve this form so that better observation data can be gathered in the future:

NOTES:

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Booking, Pima County Sheriff's Dept.,
Corrections Division

Form I

Case No. _____
Page 1 of 3

Main Facility _____
Annex _____

Date of observation: _____
Time of observation: _____

Observer's name: _____

Shift supervisor: _____

DIRECTIONS: If you need additional space, please use "Notes" section
and specify, i.e. A, B, C ...

A. Charges:

B. Spanish surname suspect? _____

If yes, please give surname: _____

C. Does suspect have difficulties communicating with officer(s) of the Booking
Office as a result of his English language deficiency?

If yes, please explain:

NOTE: If suspect is provided with interpreter services as a result of his
English language deficiency, please fill out Form II.

D. Summary of language transactions of unusual nature in regard to the
following:

(1) Personal property envelope:

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Booking, Pima County Sheriff's Dept.,
Corrections Division

Form I

Case No. _____
Page 2 of 3

(2) Data processing input:

(3) Strip and skin search:

(4) Fingerprinting and photographing:

(5) Phone call:

(6) Other (e.g. arresting slip, rules and regulations of detention
facility, prisoner interview, etc.)

E. If any legal terms used in the booking process, please list:

F. Comments on other matter you may consider relevant to this observation:

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Booking, Pima County Sheriff's Dept.,
Corrections Division

Form I
Case No. _____
Page 3 of 3

- G. Suggestions to improve this form so that better observation data can be gathered in the future:

NOTES:

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Booking, Pima County Sheriff's Dept.,
Corrections Division

Form II
Case No. _____
Page 1 of 3

DIRECTIONS: This form is to be filled out only for suspects provided with interpreter services.
If you need additional space, please use "Notes" section and specify, i.e. A, B, C ...

- A. Who determined suspect needed interpreter services?
- B. What criteria do you think was used to identify the English language deficiency? (Examples: Poor/none comprehension, heavy accent, poor grammar, body language, etc.)
- C. Interpreter(s) available in the Booking Office? _____
If yes, to your knowledge who was available?
If no, what happened?
- D. Did the interpreter communicate to the language handicapped suspect all that was said during the booking process?
If no, who and what was not interpreted?
- E. Did the interpreter communicate to the Booking Officer(s) all that was said by the language handicapped suspect?
If no, what was not interpreted?

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Booking, Pima County Sheriff's Dept.,
Corrections Division

Form II
Case No. _____
Page 2 of 3

F. In terms of the time element technique used by the interpreter in this case, which technique prevailed?

Consecutive _____
Simultaneous _____
Neither _____

If "Neither," please elaborate:

(a) When was "Consecutive" used:

(b) When was "Simultaneous" used?

G. In terms of the linguistic approach technique used by the interpreter in this case, which technique prevailed?

Conceptual (summary) _____
Equivalent _____
Neither _____

If "Neither," please elaborate:

(a) When was "Conceptual" used?

(b) When was "Equivalent" used?

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Booking, Pima County Sheriff's Dept.,
Corrections Division

Form II
Case No. _____
Page 3 of 3

H. Your rating of the language services provided by the interpreter in this case:

Excellent _____
Good _____
Fair _____
Poor _____

Please explain the rationale behind your choice:

I. Aside from the use of an interpreter, do the proceedings in this case differ significantly from the cases of English speaking suspects?

J. Comments on other matter you may consider relevant to the interpreter services provided in this case:

K. Suggestions to improve this form so that better observation data can be gathered in the future:

NOTES:

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Initial Appearance, Pima County

Justice of Peace Court

FORM I

Case No.

Page 1 of 2

Arraignment, Tucson City Court

Arraignment, Pima County Superior Court

Date of observation: _____

Observer's name: _____

Name of Judge: _____

Name of defendant: _____

JP Precinct No. _____ (if applicable)

DIRECTIONS: If you need additional space, please use "Notes" section and specify, i.e. A, B, C ...

A. Spanish surname defendant? _____

B. Does the defendant have difficulties communicating with the Officers of the Court as a result of his English language deficiency?

If yes, please explain:

NOTE: If defendant is provided with interpreter services as a result of his English language deficiency, please fill out Form II.

C. Charges:

D. Summary of language transactions of unusual nature in regard to the following:

(1) Representation of counsel:

(2) Charges:

(3) Conditions of release:

(4) Other:

E. Comments on other matter you may consider relevant to this observation:

F. Suggestions to improve this form so better observation data can be gathered in the future:

NOTES:

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Initial Appearance, Pima County Justice of Peace Court
 Arraignment, Tucson City Court
 FORM II
 Case No. _____
 Page 1 of 3
 Arraignment, Pima County Superior Court

DIRECTIONS: This form is to be filled out only for defendants provided with interpreter services.
 If you need additional space, please use "Notes" section and specify, i.e. A, B, C ...

- A. Who determined defendant needed interpreter services?
- B. What criteria do you think was used to identify the English language deficiency? (Examples: Poor/none comprehension, heavy accent, poor grammar, body language, etc.)
- C. Interpreter(s) available in the Court? _____
 If yes, to your knowledge who was available?
 If no, what happened?
- D. What instructions did the Judge give to the interpreter regarding interpreter's role in the proceeding?
- E. What instructions did the Judge give to others (defendant, prosecutor, defense attorney, court clerk, court reporter, bailiff, witnesses, etc.) regarding the interpreter and his work?

F. Did the interpreter communicate to the language handicapped defendant all that was said during the court proceeding?
 If no, who and what was not interpreted?

G. Did the interpreter communicate to the Court all that was said by the language handicapped suspect?
 If no, what was not interpreted?

H. In terms of the time element technique used by the interpreter in this case, which technique prevailed?

Consecutive _____
 Simultaneous _____
 Neither _____

If "Neither," please elaborate:

- (a) When was "Consecutive" used?
- (b) When was "Simultaneous" used?

I. In terms of the linguistic approach technique used by the interpreter in this case, which technique prevailed.

Conceptual (summary) _____
 Equivalent _____
 Neither _____

If "Neither," please elaborate:

- (a) When was "Conceptual" used?
- (b) When was "Equivalent" used?

J. Your rating of the language services provided by the interpreter in this case:

- Excellent _____
- Good _____
- Fair _____
- Poor _____

Please explain the rationale behind your choice:

K. Aside from the use of an interpreter, do the proceedings in this case differ significantly from the cases of English speaking defendants?

If yes, please explain:

L. Comments on other matter you may consider relevant to the interpreter services provided in this case:

M. Suggestions to improve this form so that better observation data can be gathered in the future:

NOTES:

JUSTICE SYSTEM INTERPRETER MODEL DEVELOPMENT PROJECT

PROCESS POINT OBSERVATION: Pima County Superior Court Trial _____

FORM I Pima County Justice of Peace _____
Case No. Court Trial _____

Page 1 of _____ (Fill-in appropriate number) JP # _____
Tucson City Court Trial _____

Date of observation(s)	Time of observation(s)	Court Trial
_____	_____	Jury Trial _____
_____	_____	
_____	_____	

Observer's name: _____

Name of Judge: _____

Name of defendant(s): _____

Attorney(s) for defendant(s): _____

Pima County or City Attorney(s): _____

Charges: _____

DIRECTIONS: In chronological order of the trial proceedings (Judge's initial instructions to potential jurors, counsels comments to potential jurors, jury selection, swearing of jury, opening statements, presentation of witness(es) and exhibit(s), closing statements, Judge's instructions of the law to the jury), please make summarized notes of the language transactions used in the case.

When an interpreter is used, include comments regarding all matters about the delivery of the language services, e.g. Judge's instructions to the Court regarding the interpreter, interpreter techniques, quality of interpretation, etc.

Please use 8 1/2 x 11 ruled paper, head each page with name of defendant and "Case No. _____," and staple to this form.

JUSTICE SYSTEM INTERPRETER MODEL
DEVELOPMENT PROJECT

Questionnaire I

NOTE: If you need additional space please use the back of the page and specify, i.e. A, B, C ...

- A. In your own words, what is a "Court Interpreter"?
- B. What qualifications would you suggest we include in formulating the required credentials of a "Court Interpreter"?
- C. What problems paramount in your mind regarding interpreter work in the court?
- D. How do you rate the need for high quality interpreter in a legal proceeding?
- a) Very important _____
b) Important _____
c) Not important _____
d) Other (please specify) _____

Please explain your choice:

- E. In general, how do you rate the interpreter services provided in Pima County Superior Court?
- a) Excellent
b) Good
c) Fair
d) Poor
e) Other (Please specify) _____

Please explain your choice:

JUSTICE SYSTEM INTERPRETER MODEL
DEVELOPMENT PROJECT

- F. Do you consider the determination of a defendant's need for interpreter services to be the duty of a Judge?

Please explain your answer:

- G. How do you determine if a defendant has enough language deficiency to warrant the services of an interpreter?
- H. How do you determine if an interpreter is doing high quality work?
- I. Do you tend to be lenient toward a defendant who has language deficiency and does not have in your opinion a competent interpreter?

APPENDIX II

TUCSON CITY COURT AND CITY PROSECUTOR'S OFFICE

This appendix only addresses itself to the early identification of language handicapped persons who come into contact with the Tucson City Court and the City Prosecutor's Office through traffic arraignments, criminal arraignments and criminal trials. These city organizations interact with a large number of language handicapped persons. Our desire would have been to be able to allocate additional research resources for a more comprehensive study of the two operations. However, due to the limited resources available to the Justice Interpreter Model Development Project under the present grant, it was not possible. It is hoped that the initial effort of the Project can continue and that the needed work will be accomplished.

Ideally, the chosen method to identify language handicapped persons should be incorporated into a centralized operation within the entire criminal justice process. However, from a "practical" perspective, existing conditions do not permit recommending an ideal approach. Therefore, the method presented is not as efficient and effective as other approaches which might have been recommended. We recognize the deficiencies but, due to our inability to conduct a more in-depth analysis of the two operations and the lack of administrative commitment which is necessary and which cannot reasonably be expected at this time, our recommendations are made accordingly.

The following is a simplified description of a method through which language handicapped persons can be identified in the early stages of the three selected processes. Only a few minor procedural changes are needed to implement the suggested method. In formulating the method, our effort has been to recommend an approach which can be readily instituted within the present administrative procedures and manpower resources of the Tucson City Court and the City Prosecutor's Office.

A. Traffic Arraignment Citation Process

1. Every individual who receives a traffic citation is given a copy (pink) by the issuing officer.
2. Every individual who wishes to appear before a City Magistrate in regards to a traffic citation must first see a clerk at the Traffic Violations Bureau.

RECOMMENDATIONS

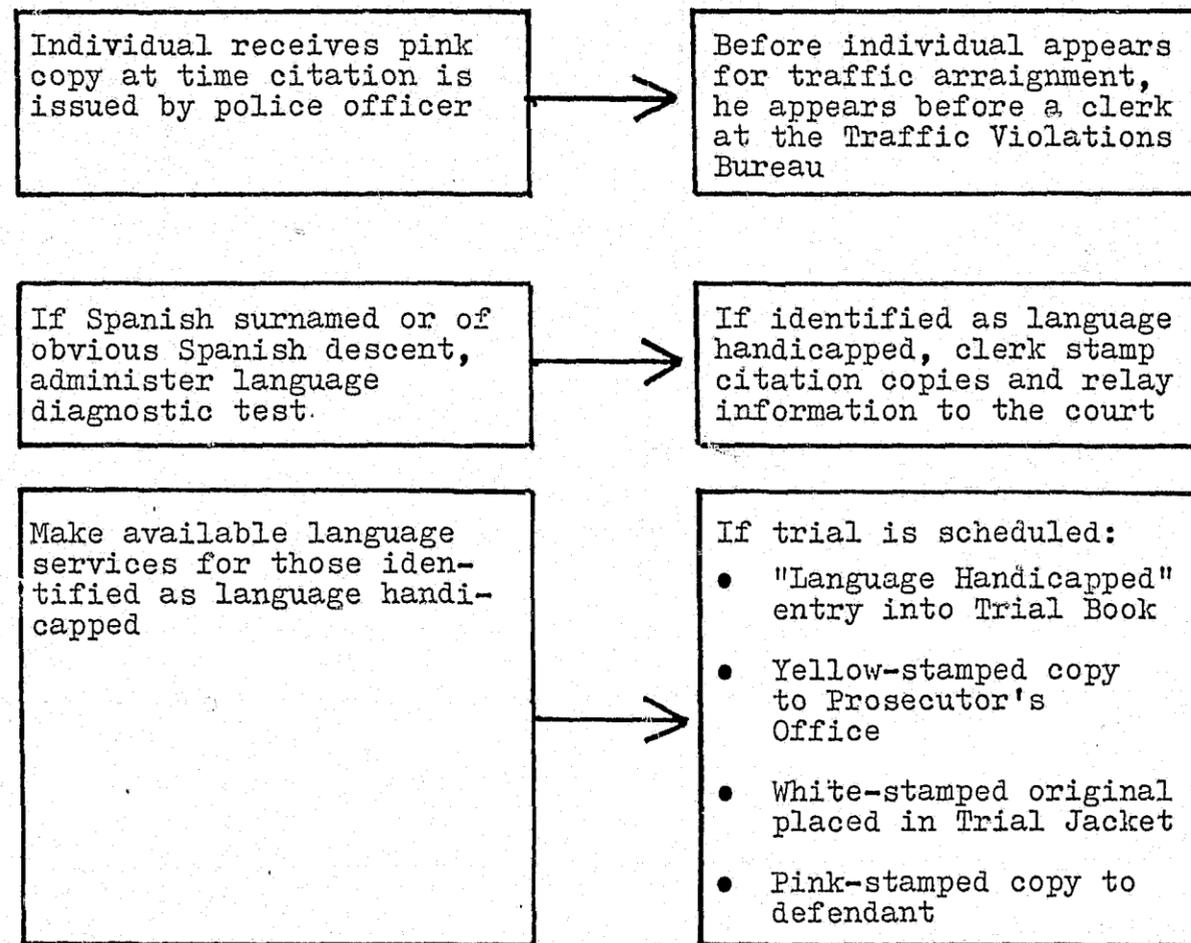
1. Use the commonly used language transactions at the Traffic Violations Bureau as the basis for the development of a language diagnostic test.
2. Administer the language diagnostic test to all persons with a Spanish surname or of obvious Spanish descent to identify those with a language handicap.
3. If an individual is identified as language handicapped, the clerk will "Red Flag" (stamp) the citation copies (original, yellow, and pink) with a rubber stamp which reads "Language Handicapped".

4. Notify the court in advance of arraignments of those persons identified as language handicapped and have language services available.

If a trial is scheduled:

1. Bailiff make a notation for the need of a Justice Interpreter in the Trial Book.
2. Make provisions for the availability of language services.
3. Stamp the yellow copy of the citation which is then forwarded to the Prosecutor's Office "Language Handicapped".
4. Place the original copy of the citation which should already be "Red Flagged" in the Trial Jacket.
5. The "Red Flagged" pink copy is kept by the individual defendant and can be used by that individual as a means of alerting others involved in the case of his language handicap.

A simplified schematic of the procedure is as follows:



B. Criminal Arraignments

Defendants appearing before a City Magistrate in criminal arraignment can be categorized into three main groups:

1. Under custody.
2. Summoned
3. Field released (meaning those cases in which the police officer decides not to arrest the individual but instead cites him to appear in court on a date certain).

1. Under custody

Recommendation. No recommendation necessary. Spanish-surnamed defendants or those of obvious Spanish descent will be administered the language diagnostic test as provided for in Chapter IV of this report. If identified as language handicapped, the City Court and the City Prosecutor's Office will be notified. The defendant will also receive a form written in Spanish which will provide him with certain information regarding procedures and the availability of language assistance.

2. Summoned and field released

Presently, individuals summoned or field released have the option of either stopping at the criminal section of the City Court or of walking directly into the courtroom.

RECOMMENDATIONS

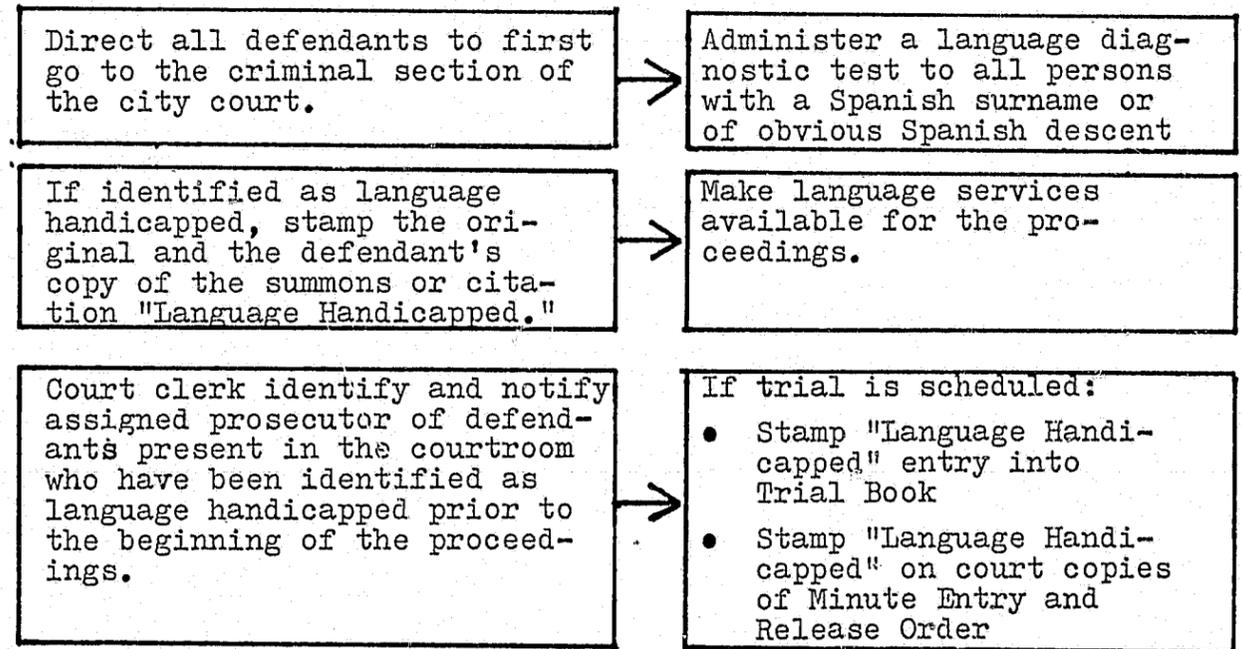
1. Direct all defendants to first go to the Criminal Section.
2. Administer a language diagnostic test to all persons with a Spanish surname or of obvious Spanish descent to identify those with a language handicap.

3. If identified as language handicapped, "Red Flag" (stamp) the original and the defendant's copy of the summons or citation "Language Handicapped".
4. Make language services available for the proceedings.
5. Court clerk identify and notify the assigned prosecutor of defendants present in the courtroom who have been identified as language handicapped prior to the beginning of the proceeding.

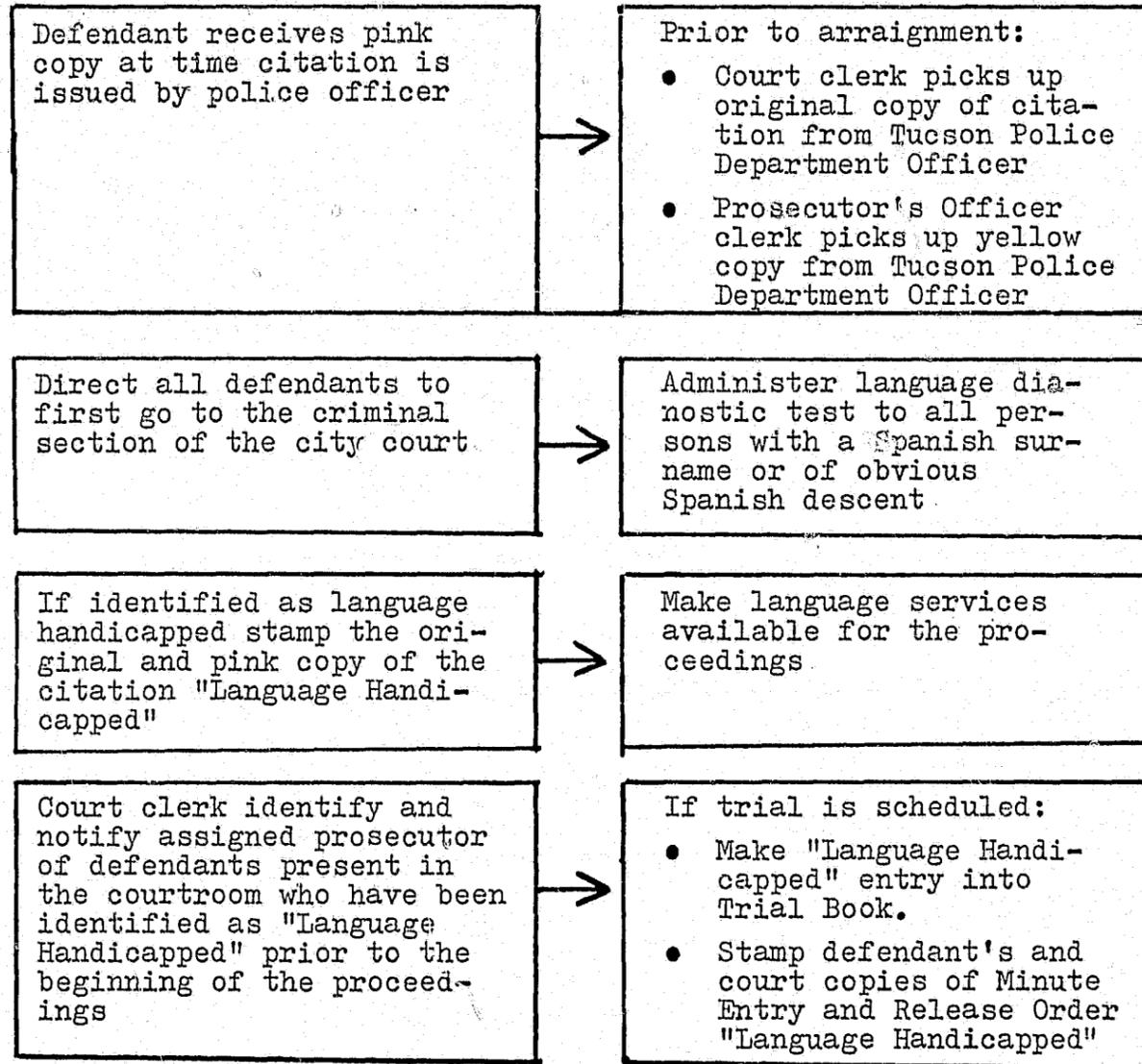
A brief schematic of the procedures to be used in summoned and field released matters is as follows:

Summoned

Five copies of the summons are typed by the city court. The original and one copy are for court records, the third copy is for the Prosecutor's Office, the fourth for the defendant (when served), and the fifth copy is for the Tucson Police Department (optional). A brief schematic of the recommended procedures to be used in summoned and field released matters is as follows:



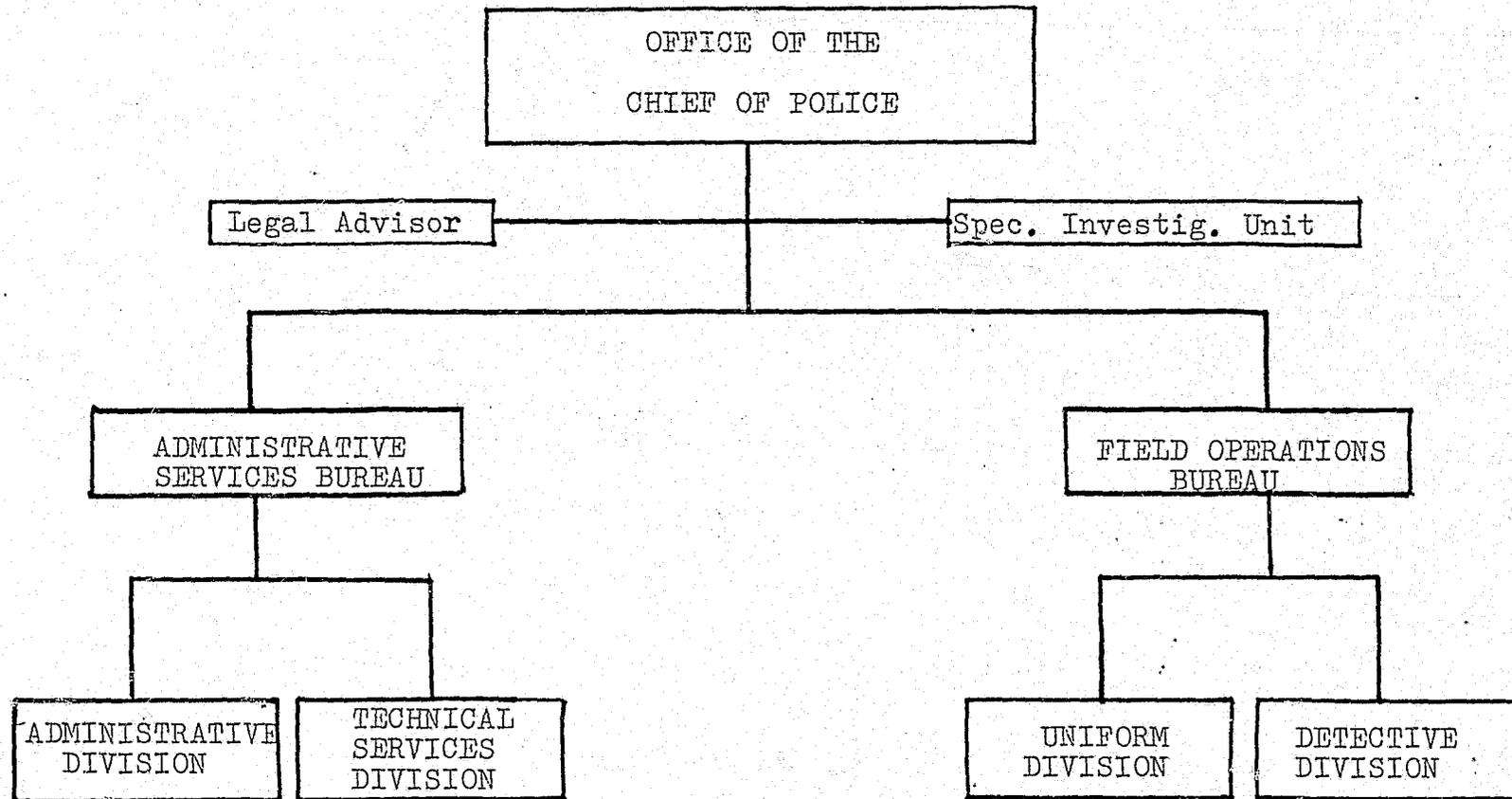
Field Release



APPENDIX III

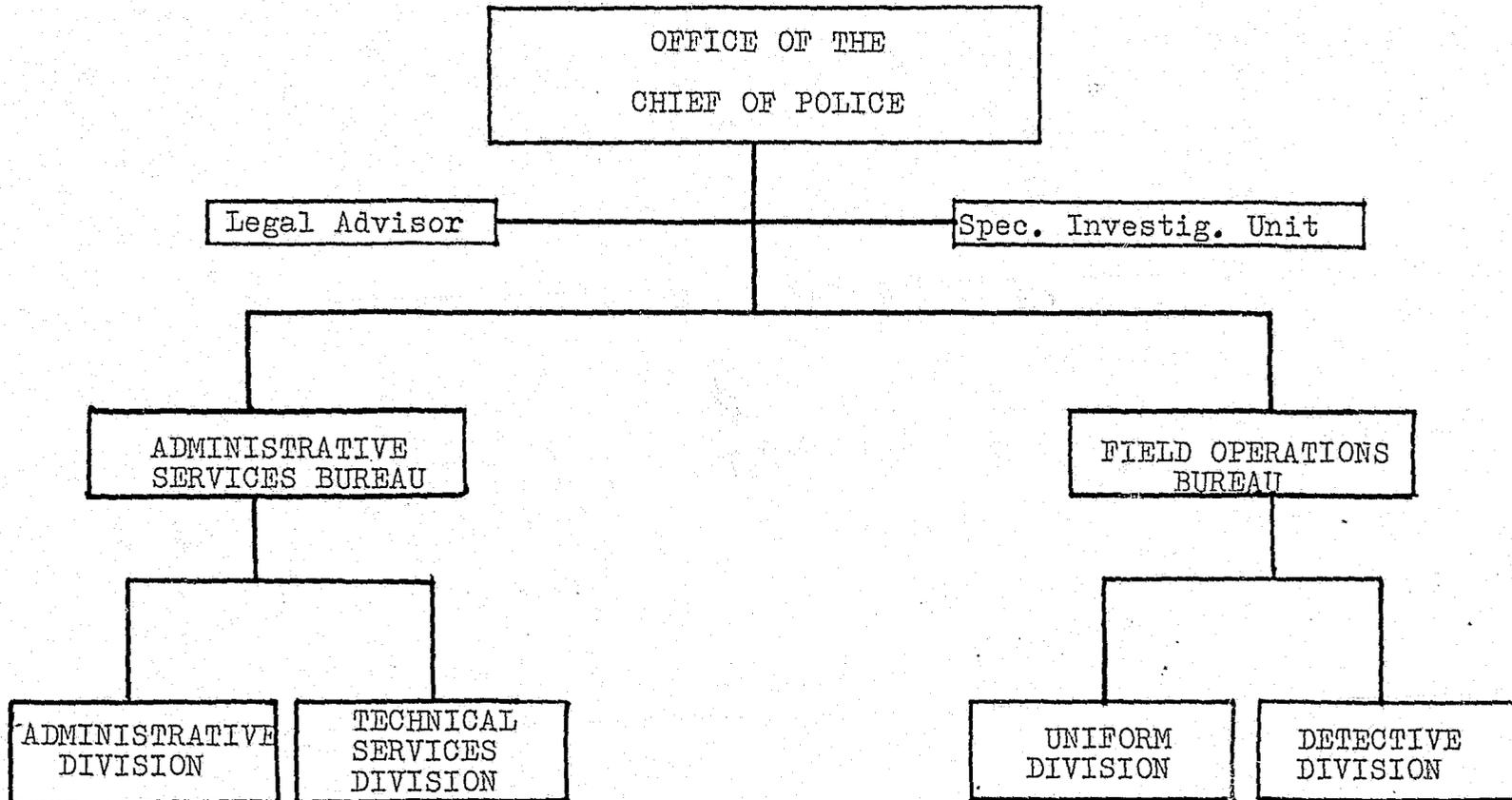
ORGANIZATIONAL CHARTS

TUCSON POLICE DEPARTMENT
CITY OF TUCSON
ORGANIZATION CHART

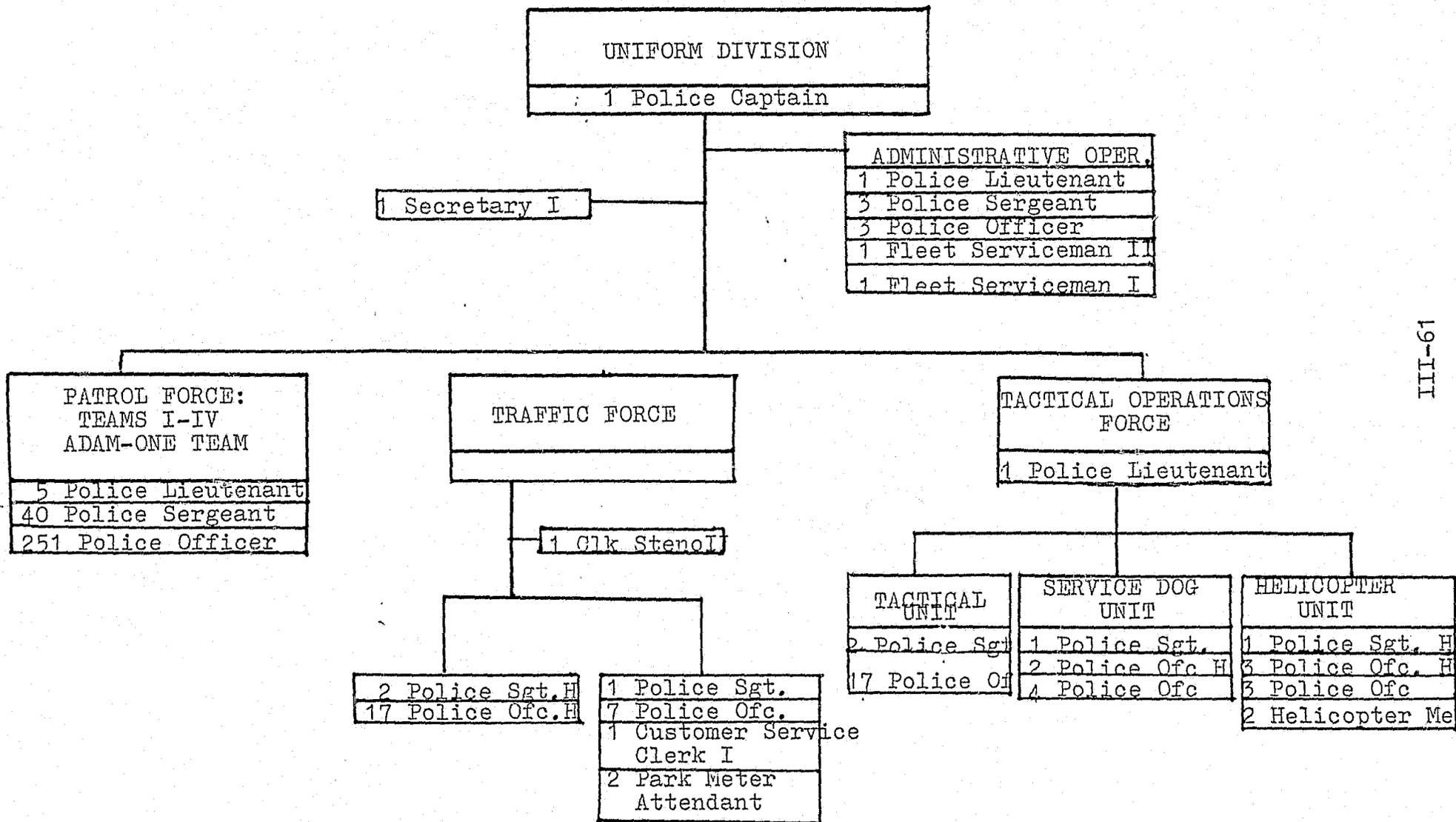


III-60

TUCSON POLICE DEPARTMENT
CITY OF TUCSON
ORGANIZATION CHART

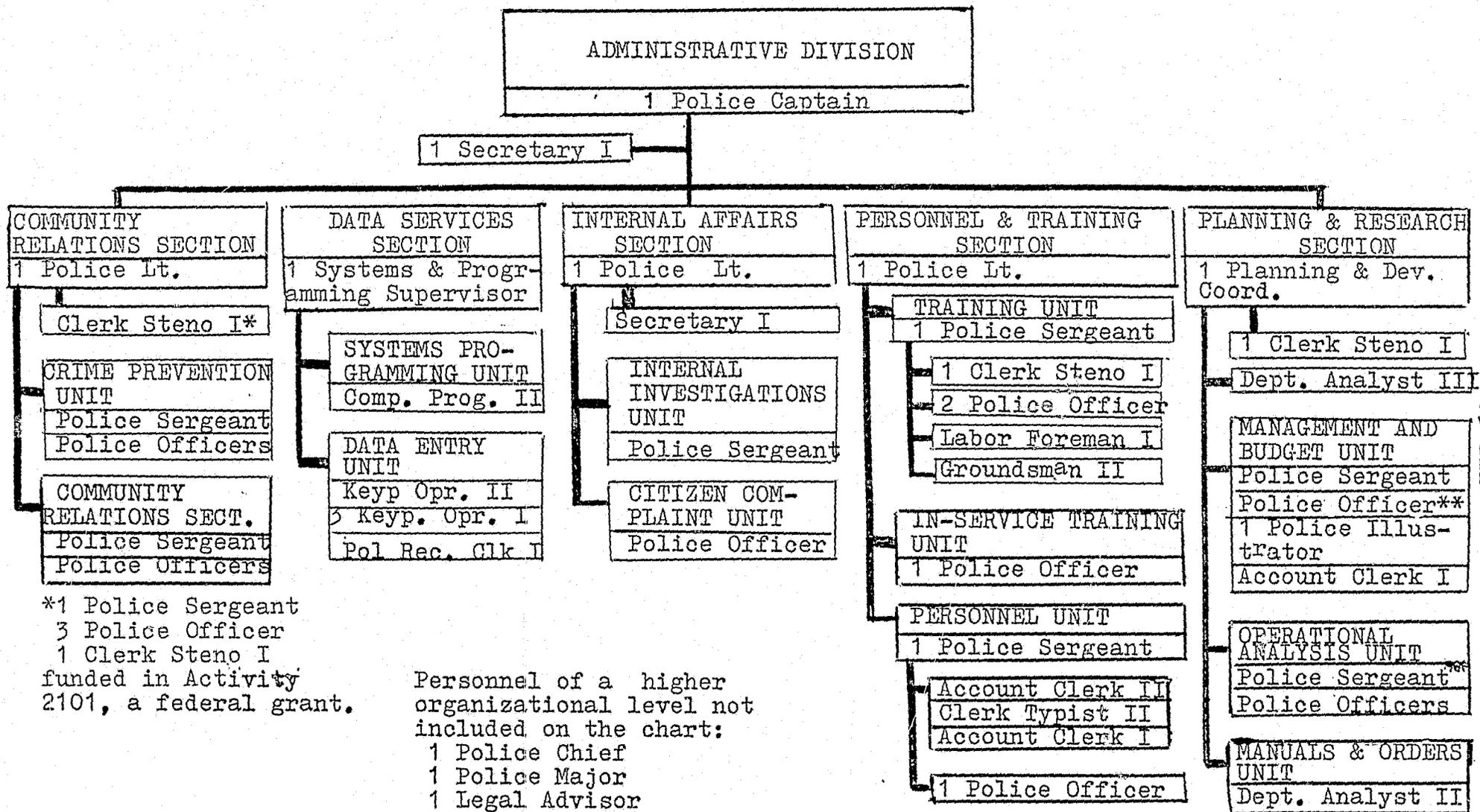


TUCSON POLICE DEPARTMENT
 CITY OF TUCSON
 ORGANIZATION CHART
 FIELD OPERATIONS BUREAU



19-III

TUCSON POLICE DEPARTMENT
CITY OF TUCSON
ORGANIZATION CHART
FIELD OPERATIONS BUREAU



*1 Police Sergeant
3 Police Officer
1 Clerk Steno I
funded in Activity
2101, a federal grant.

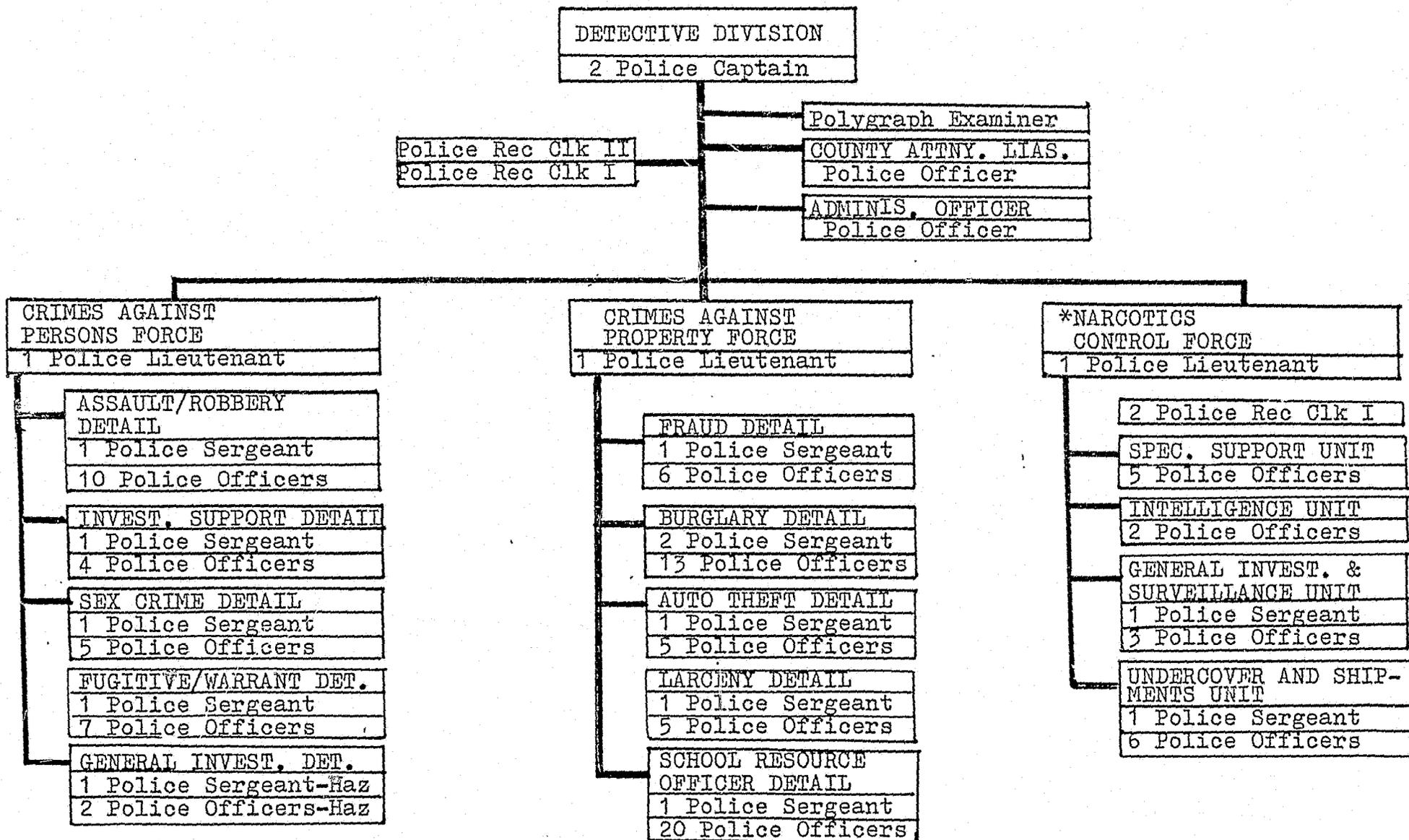
Personnel of a higher
organizational level not
included on the chart:

- 1 Police Chief
- 1 Police Major
- 1 Legal Advisor
- 1 Police Officer
- 1 Secretary II
- 1 Secretary I

**1 Police Sergeant
2 Police Officers
authorized in 2021,
on assignment in
2011.

20-69 III

CITY OF TUCSON
 ORGANIZATION CHART FORMAT

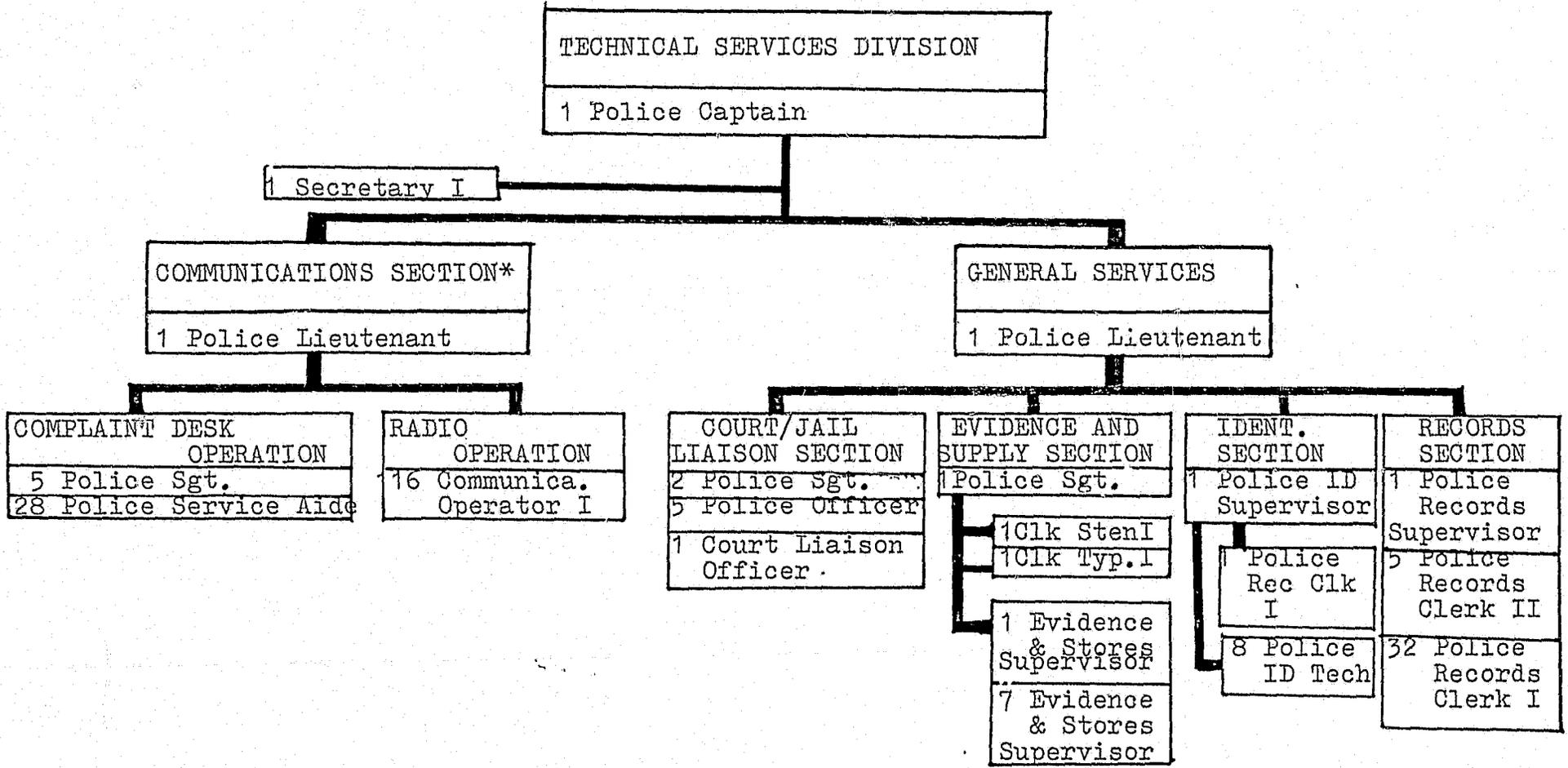


NOTE: 1 Police Major is included in Activity 2031 but is not shown on the chart.

*5 Police Officers and 1 Police Records Clerk I are funded under a federal grant, Activity 2102.

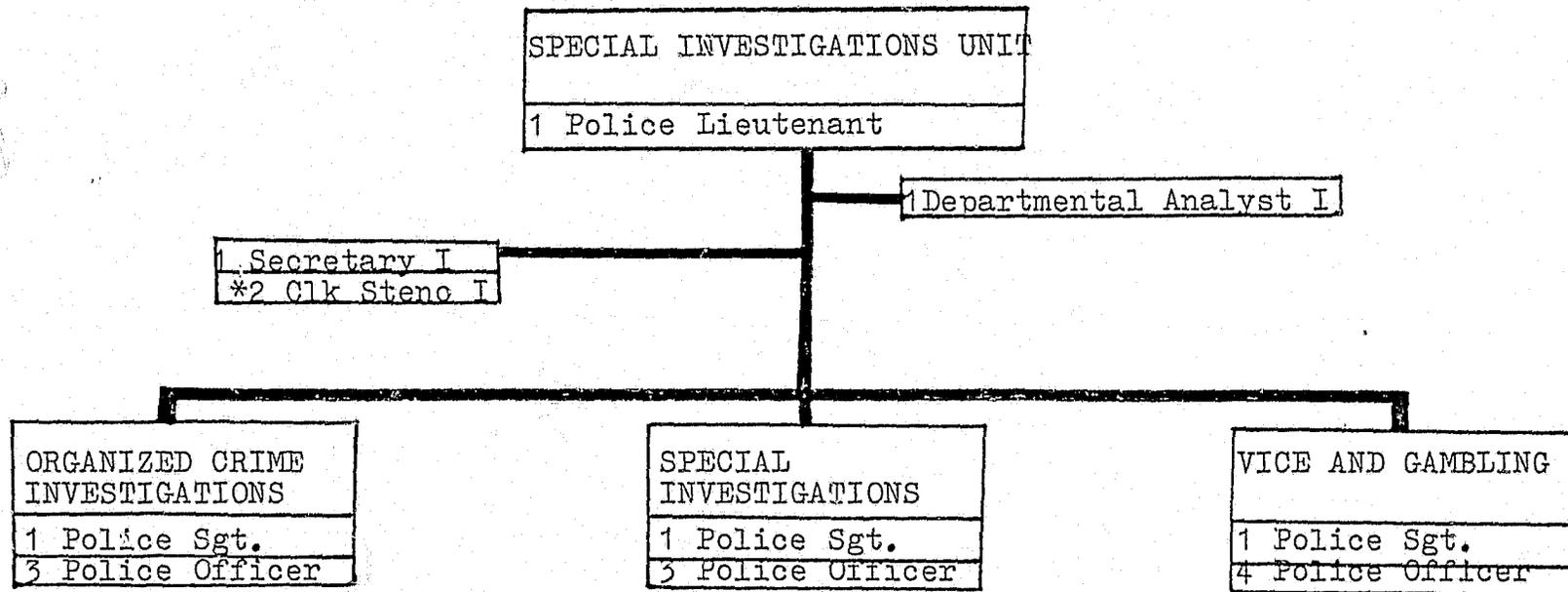
III-63

TUCSON POLICE DEPARTMENT
CITY OF TUCSON
ORGANIZATION CHART



*10 Police Officers are currently assigned to Communications but are authorized, funded, and paid in Activity 2021.

TUCSON POLICE DEPARTMENT
CITY OF TUCSON
ORGANIZATION CHART

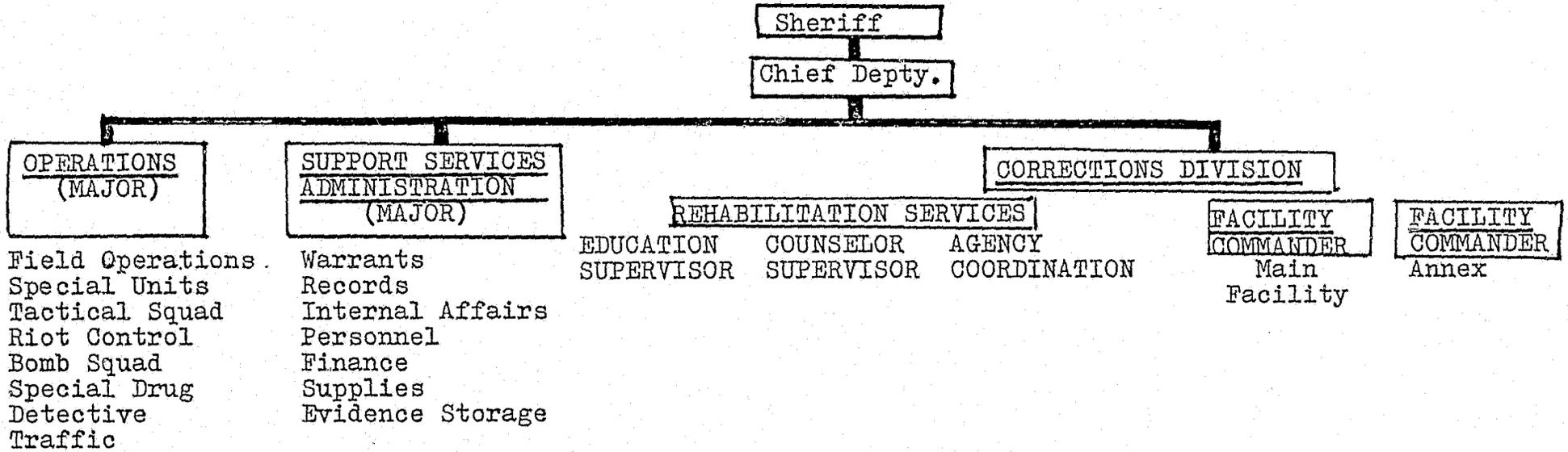


*1 Clerk Steno I is funded under
a federal grant, Activity 2103

TUCSON POLICE DEPARTMENT
CITY OF TUCSON
ORGANIZATION CHART

CRIME LABORATORY
1 Crime Laboratory Supervisor
1.5 Criminalist II
2 Criminalist I

PIMA COUNTY SHERIFF'S OFFICE



PIMA COUNTY SHERIFF'S OFFICE

CORRECTIONS DIVISION ORGANIZATIONAL CHART

CORR. DIV. COMDR.

I.D. COORD.

REHABSERV. COORD.

ADM ASST. I

LE-JIS COORD.

DIETICIAN

ED SUPER.

CORR. COUN.

DEP. DIV. COMDR.

PRISONER CONTR.

ADM. ASST. I

SECRETARY

ADM. ASST. I

FACILITY COMDR. MAIN

AJO SUB. STAT. COMDR.

FACILITY COMDR. ANNEX

ADM. ASST. I

SHIFT SUPER#1

SHIFT SUPER#2

SHIFT SUPER#3

RELIEF SUPERV.

DENTENT. OFF. III

DENTENT OFF. III

SHIFT SUPER#1

SHIFT SUPER#2

SHIFT SUPER#3

RELIEF SUPERV.

COOK

COOK

COOK

BKN'G OFF.

ID. TECH

FIN. OFF

INF. OFF

FLOOR SUPER.

DENTENT OFF. I

DENTENT OFF. I

BKN'G OFF.

ID. TECH

FIN. OFF

INF. OFF

FLOOR SUPER.

DENTENT OFF. I

DENTENT OFF. I

BKN'G OFF.

ID. TECH

FIN. OFF

INF. OFF

FLOOR SUPER.

DENTENT OFF. I

DENTENT OFF. I

DENTENT. OFF. I

DENTENT.* OFF. I

DENTENT. OFF. I

DENTENT.* OFF. I

BKN'G OFF.

ID. TECH

FIN. OFF

FLOOR SUPER.

DENTENT OFF. I

DENTENT OFF. I

BKN'G OFF.

ID. TECH

FIN. OFF

FLOOR SUPER.

DENTENT OFF. I

DENTENT OFF. I

BKN'G OFF.

ID. TECH

FIN. OFF

FLOOR SUPER.

DENTENT OFF. I

DENTENT OFF. I

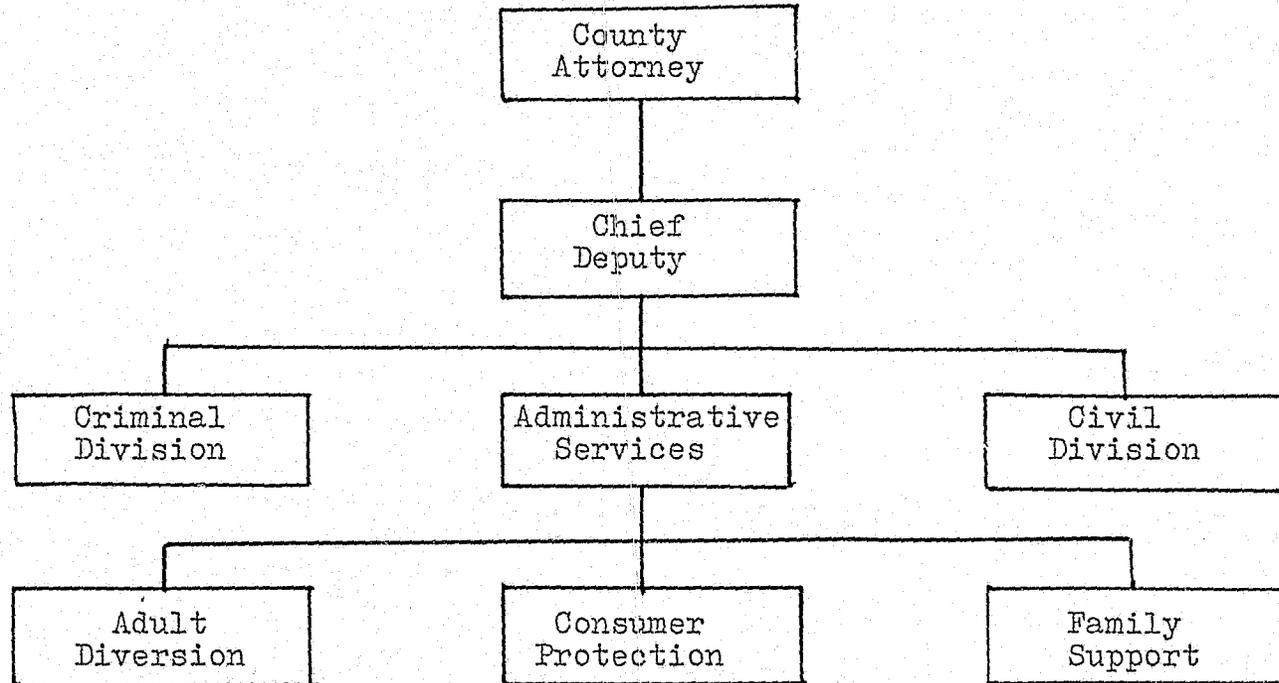
RELIEF SUPERV.

III-68

* New

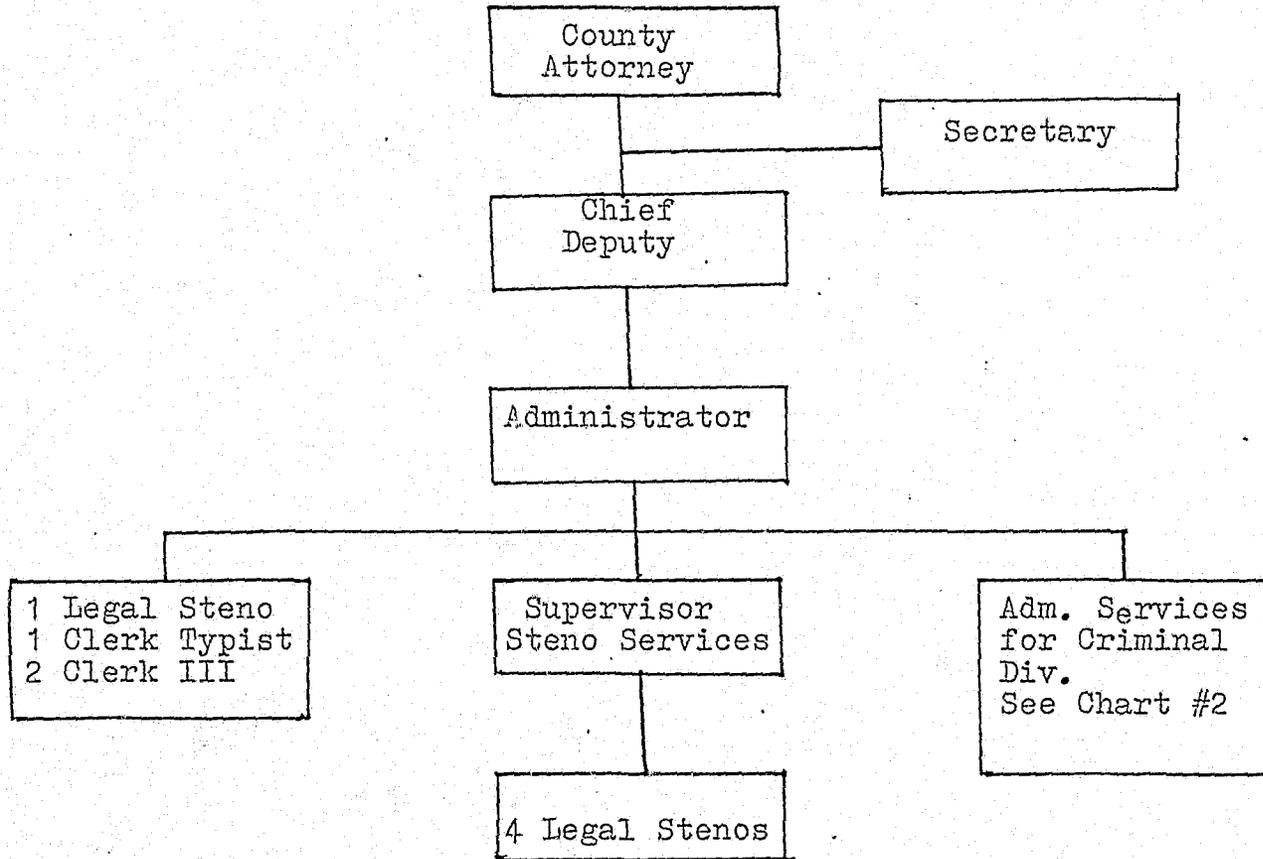
PIMA COUNTY ATTORNEY'S OFFICE

ORGANIZATION BY DIVISIONS



III-69

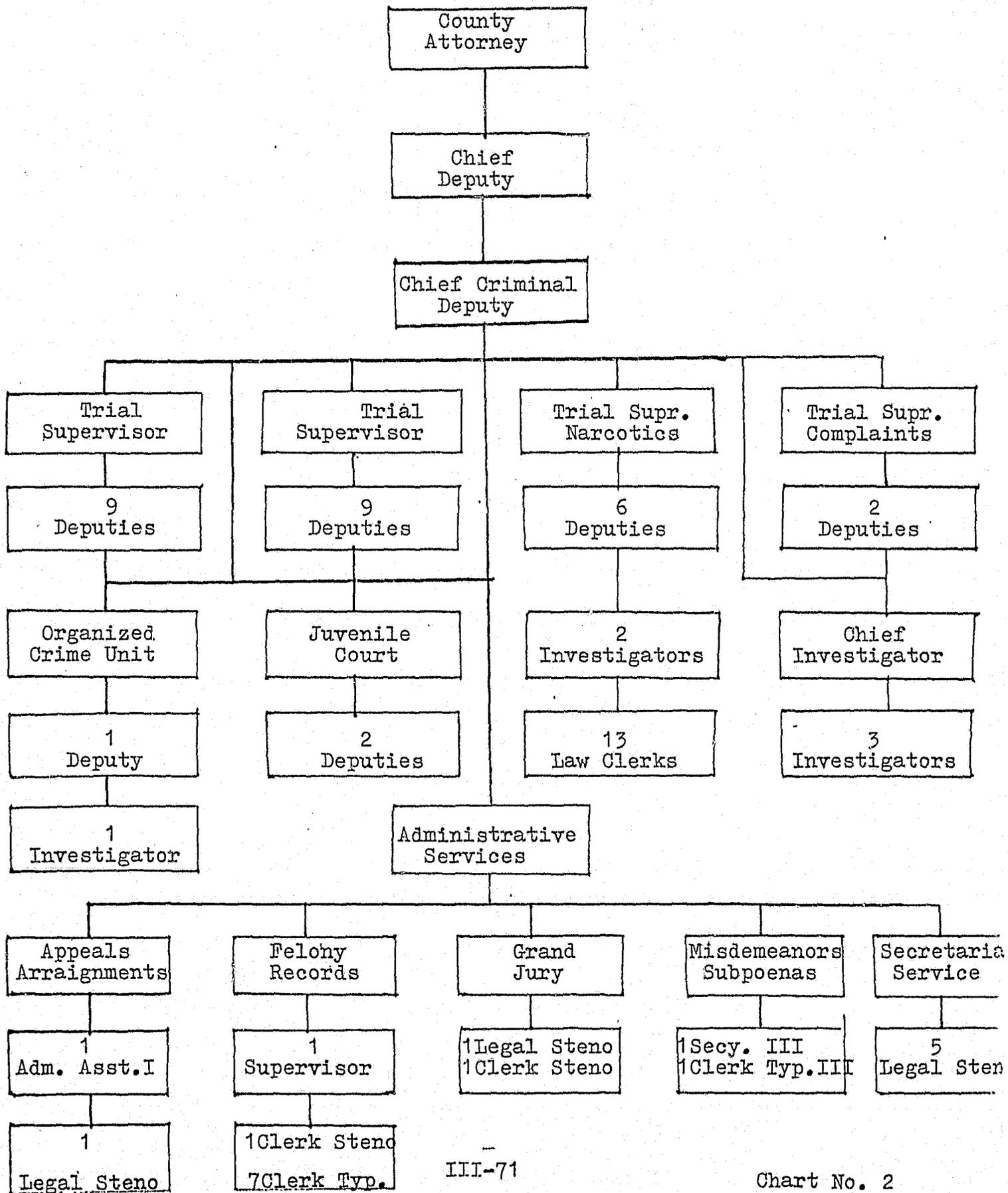
PIMA COUNTY ATTORNEY'S OFFICE
ADMINISTRATIVE SERVICES DIVISION



07-III

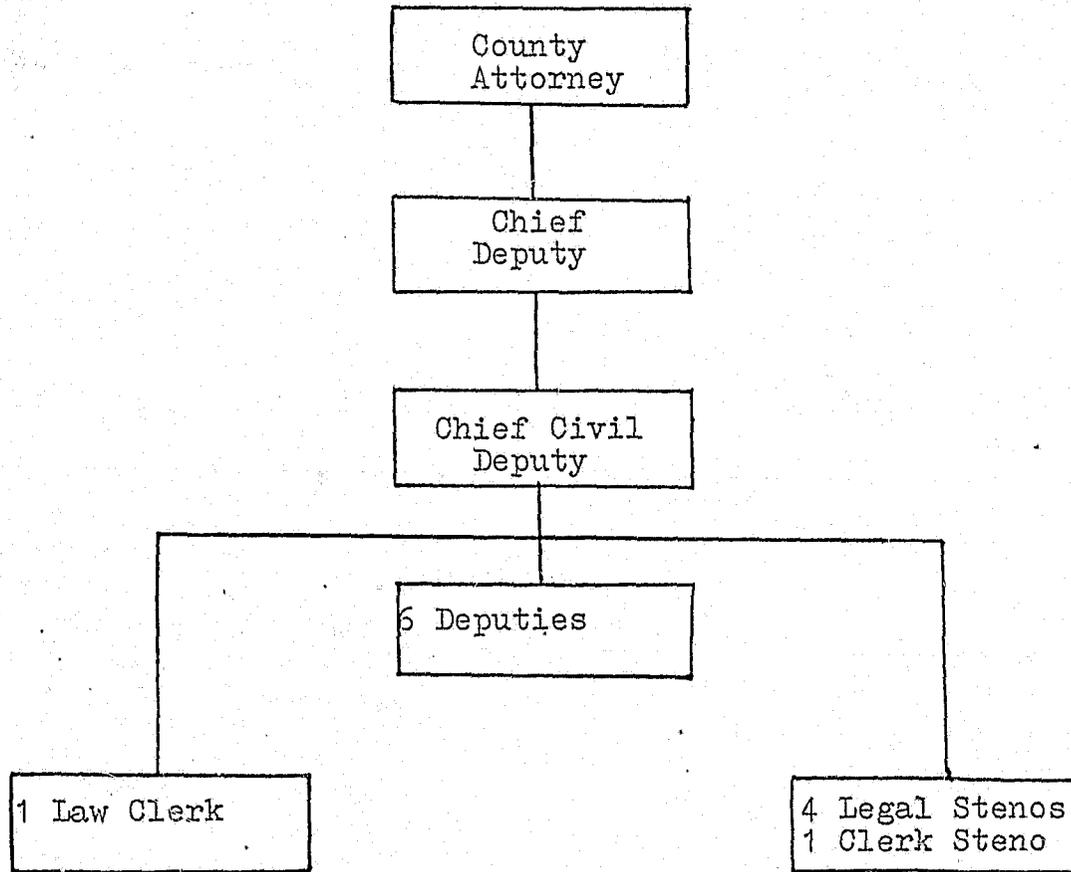
PIMA COUNTY ATTORNEY'S OFFICE

CRIMINAL DIVISION



PIMA COUNTY ATTORNEY'S OFFICE

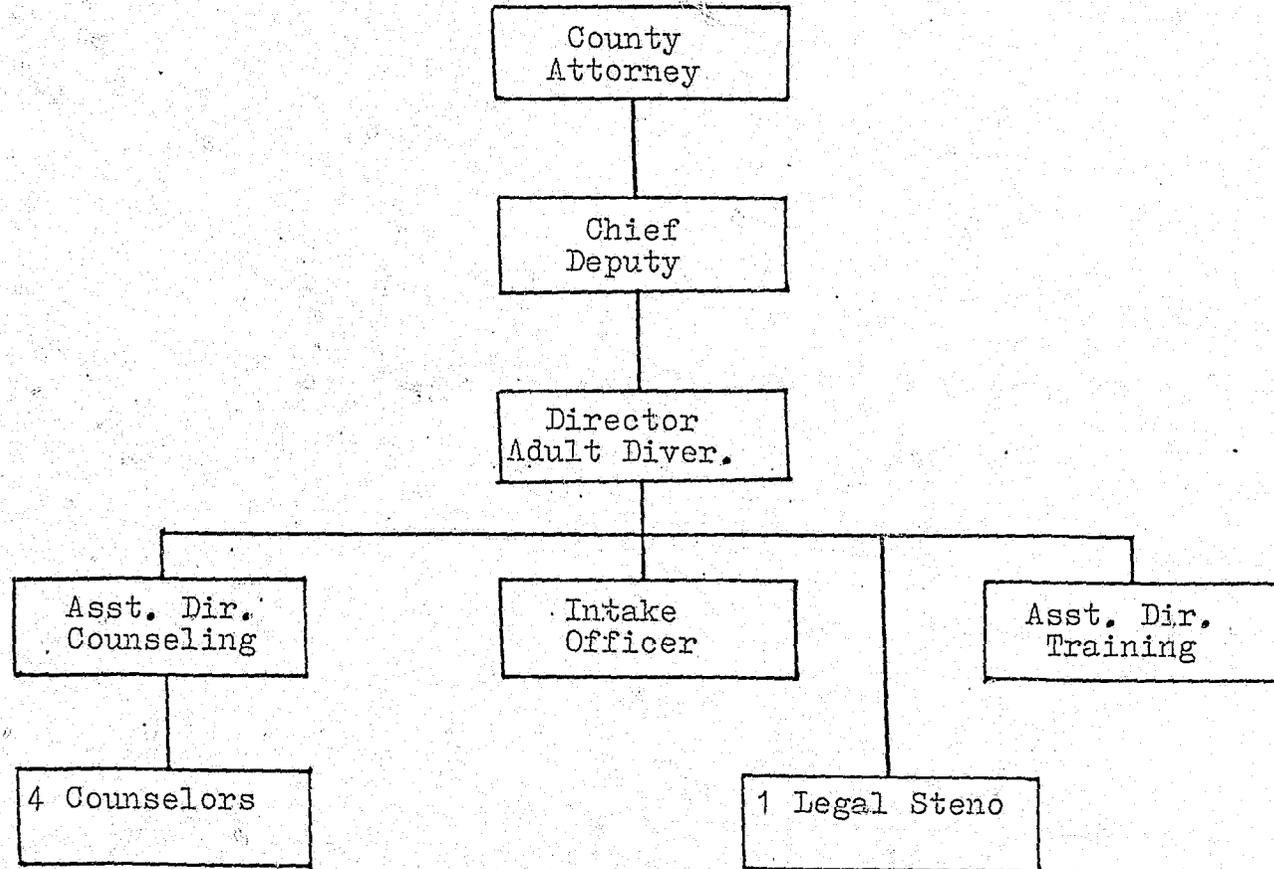
CIVIL DIVISION



III-72

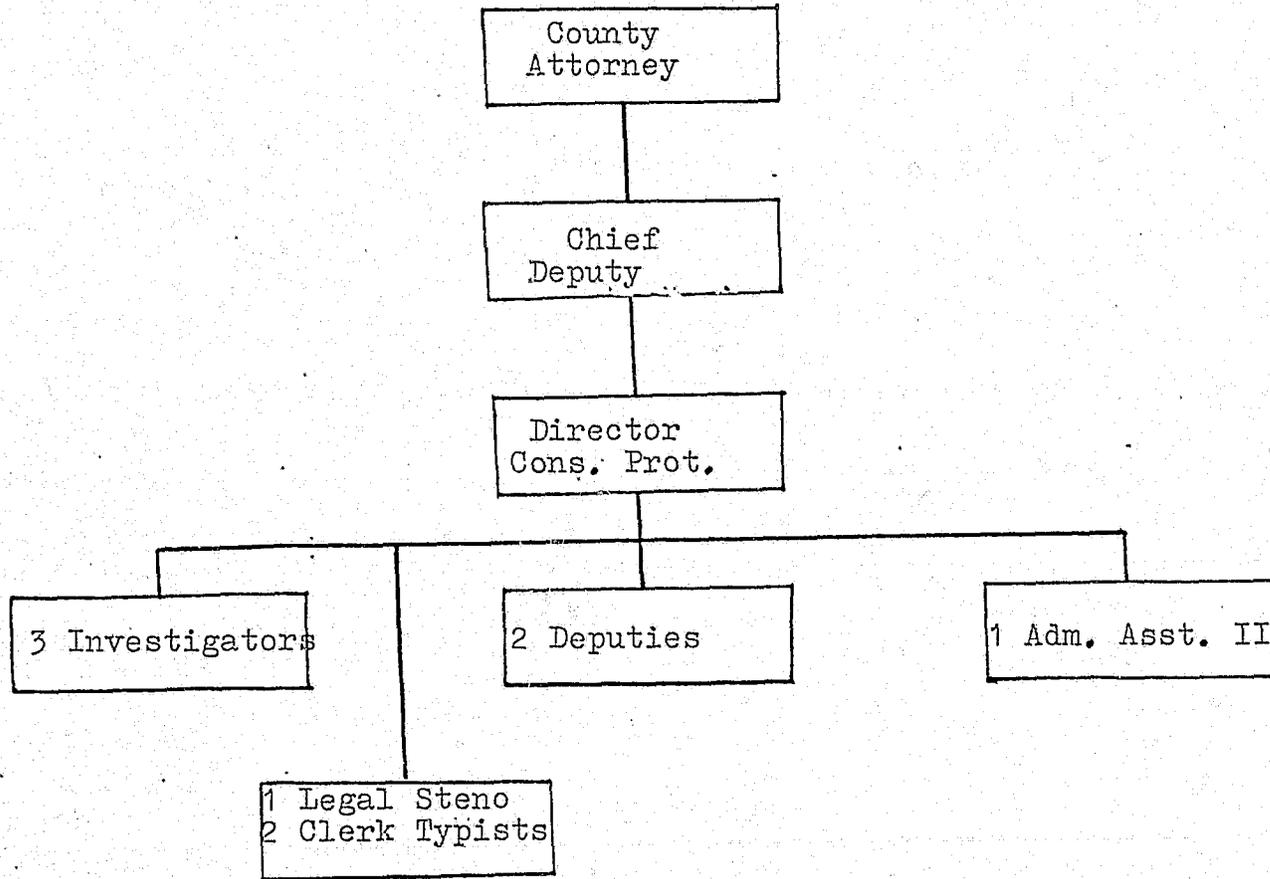
PIMA COUNTY ATTORNEY'S OFFICE

ADULT DIVERSION DIVISION



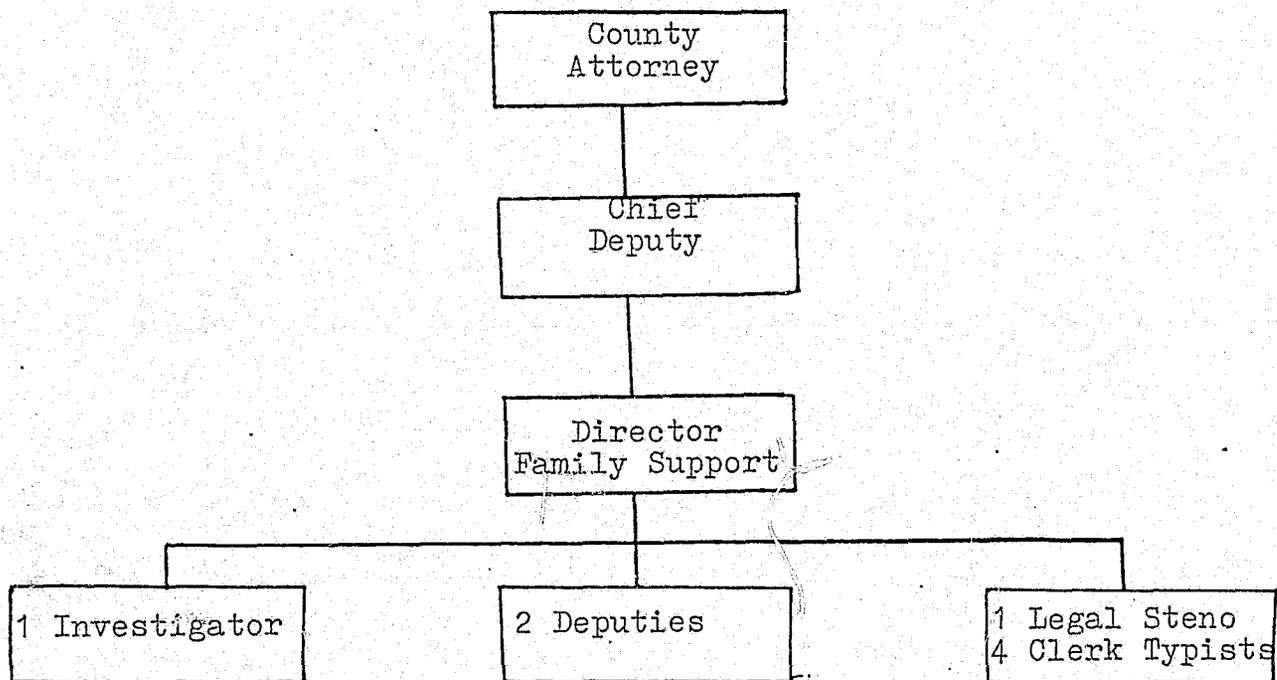
III-73

PIMA COUNTY ATTORNEY'S OFFICE
CONSUMER PROTECTION DIVISION



III-74

PIMA COUNTY ATTORNEY'S OFFICE
FAMILY SUPPORT DIVISION



III-75

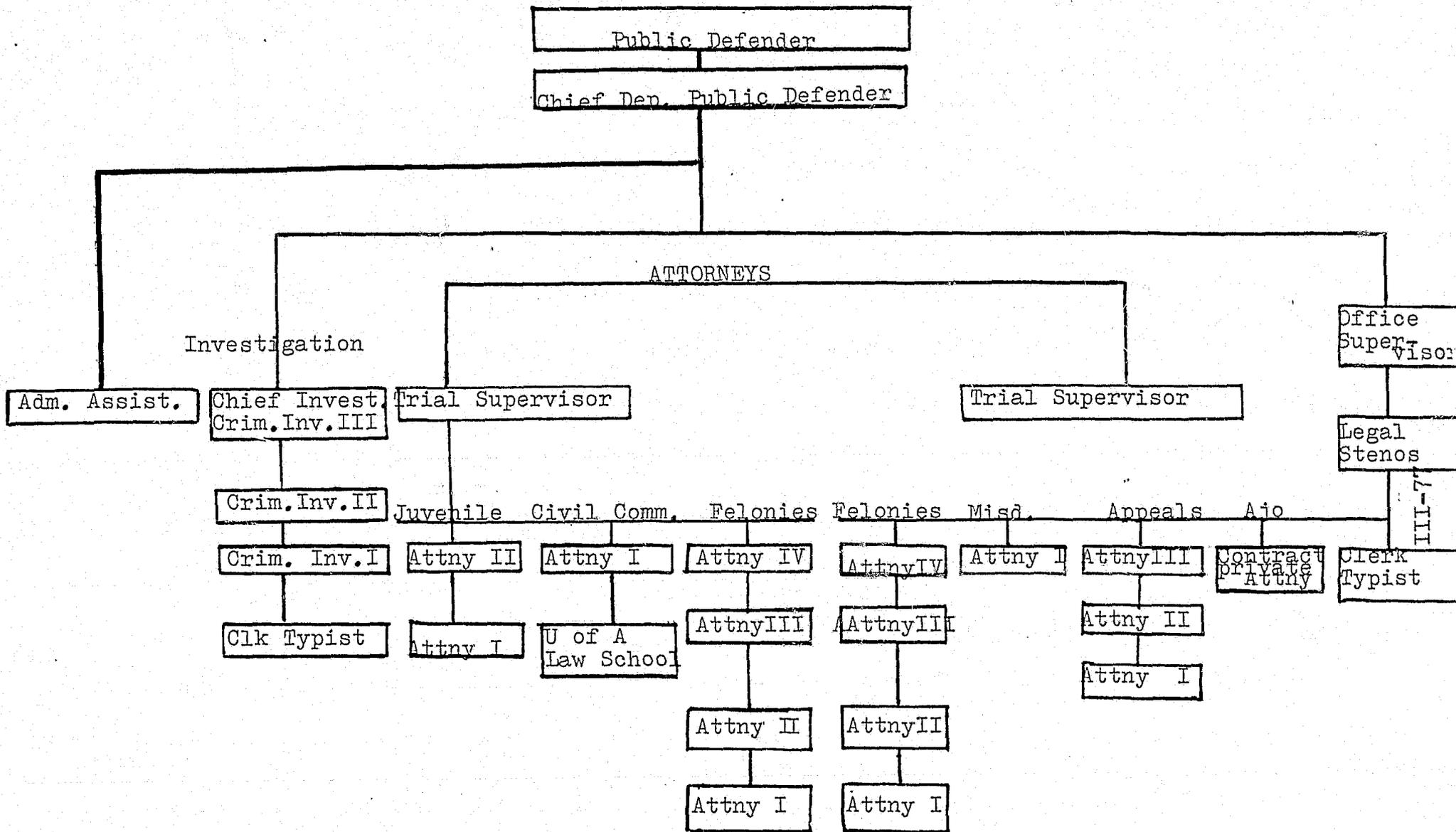
PIMA COUNTY ATTORNEY'S OFFICE

SUMMARY OF PERSONNEL

1 County Attorney
48 Deputy County Attorneys
14 Law Clerks
8 Adult Diversion Professionals
11 Criminal Investigators
1 Administrator
2 Administrative Assistants
2 Office Supervisors
20 Legal Stenos
21 Clerical
128 TOTAL

III-76

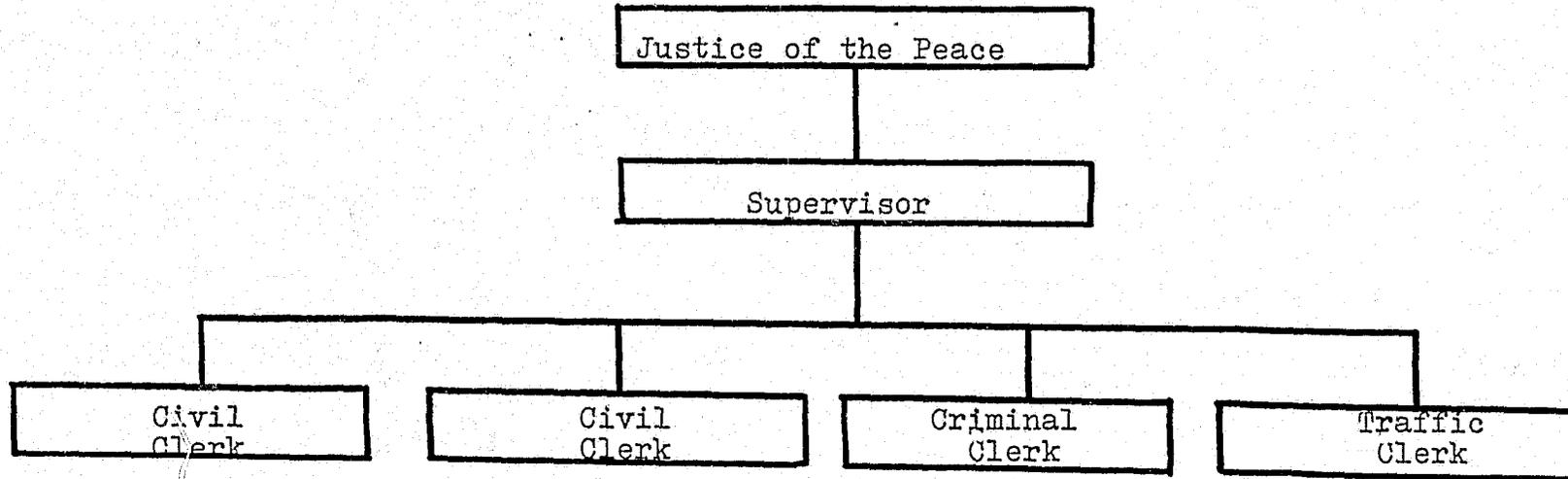
PIMA COUNTY PUBLIC DEFENDER'S OFFICE



PIMA COUNTY

ORGANIZATIONAL CHARTS FOR JUSTICES OF THE PEACE COURTS

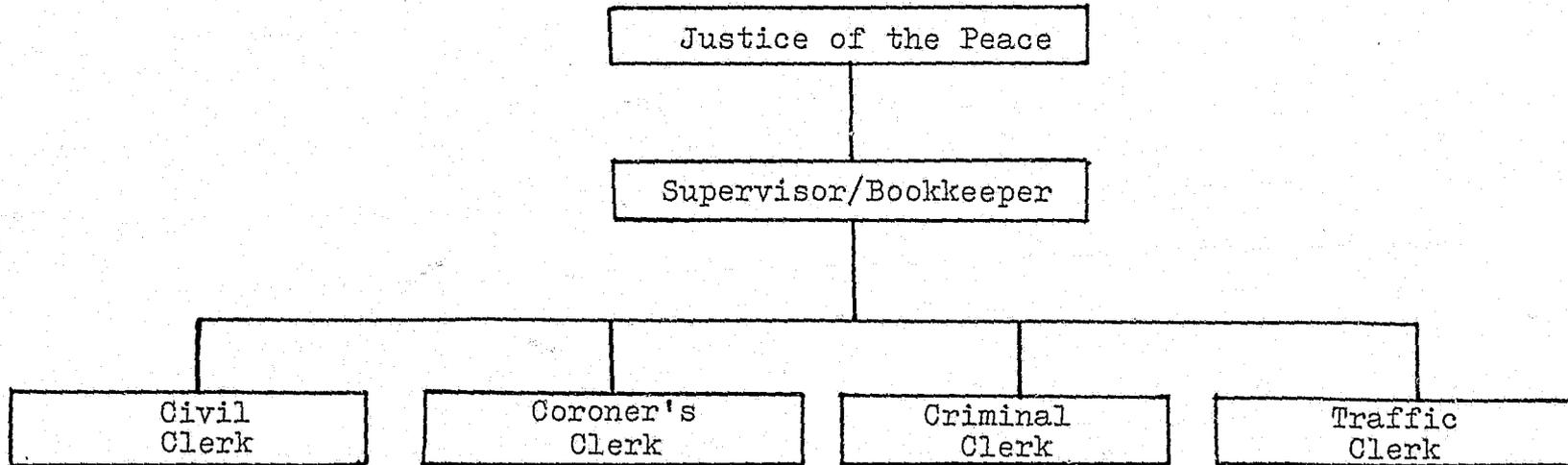
Justice Court Precinct #1



PIMA COUNTY

ORGANIZATIONAL CHARTS FOR JUSTICES OF THE PEACE COURTS

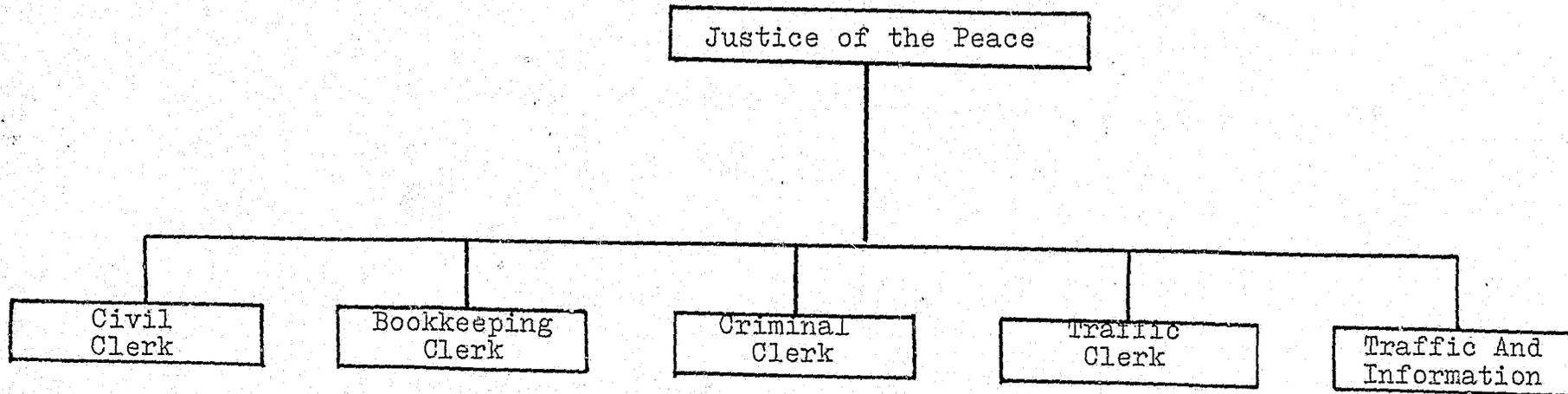
Justice Court Precinct #2



PIMA COUNTY

ORGANIZATIONAL CHARTS FOR JUSTICES OF THE PEACE COURTS

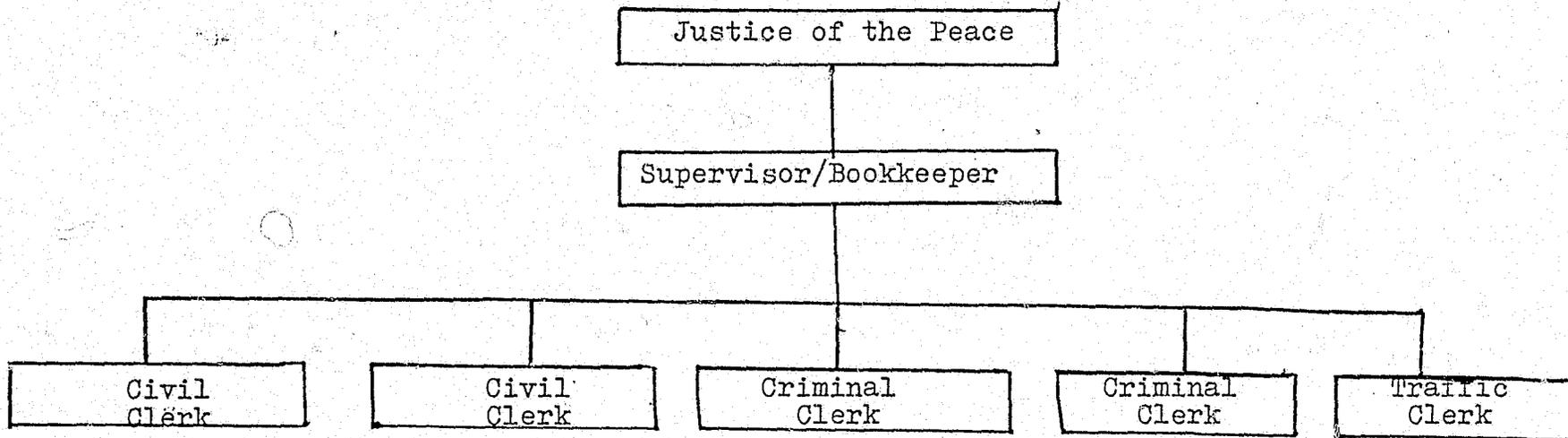
Justice Court Precinct # 4



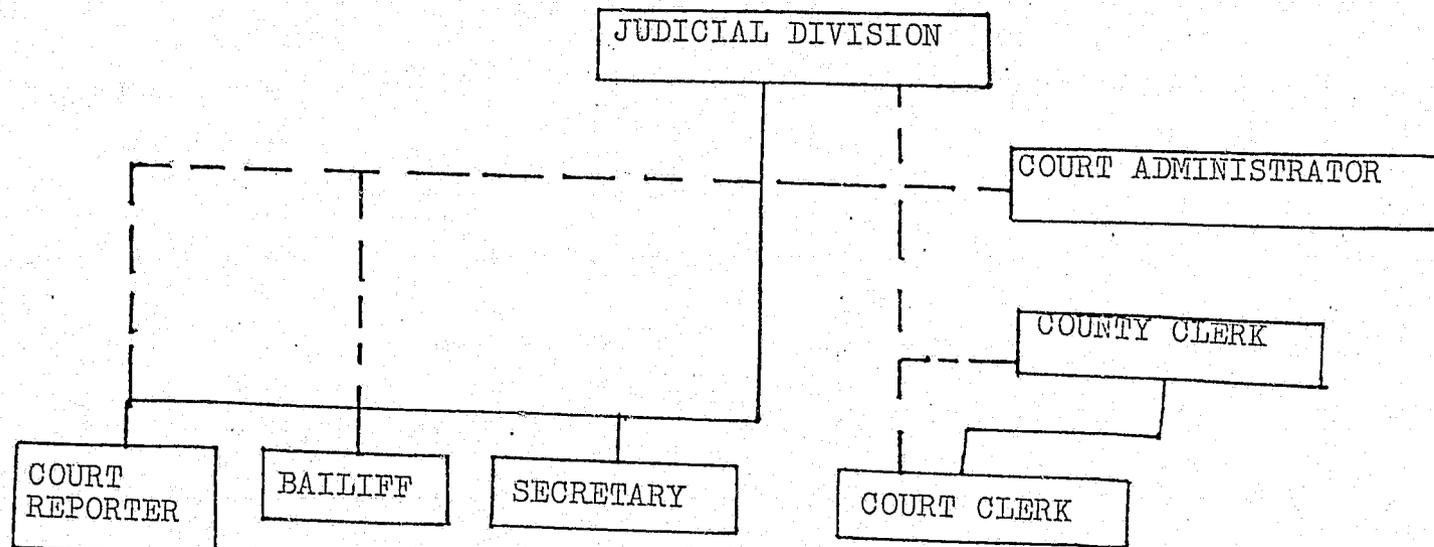
PIMA COUNTY

ORGANIZATIONAL CHARTS FOR JUSTICES OF THE PEACE COURTS

Justice Court Precinct #5



PIMA COUNTY SUPERIOR COURT

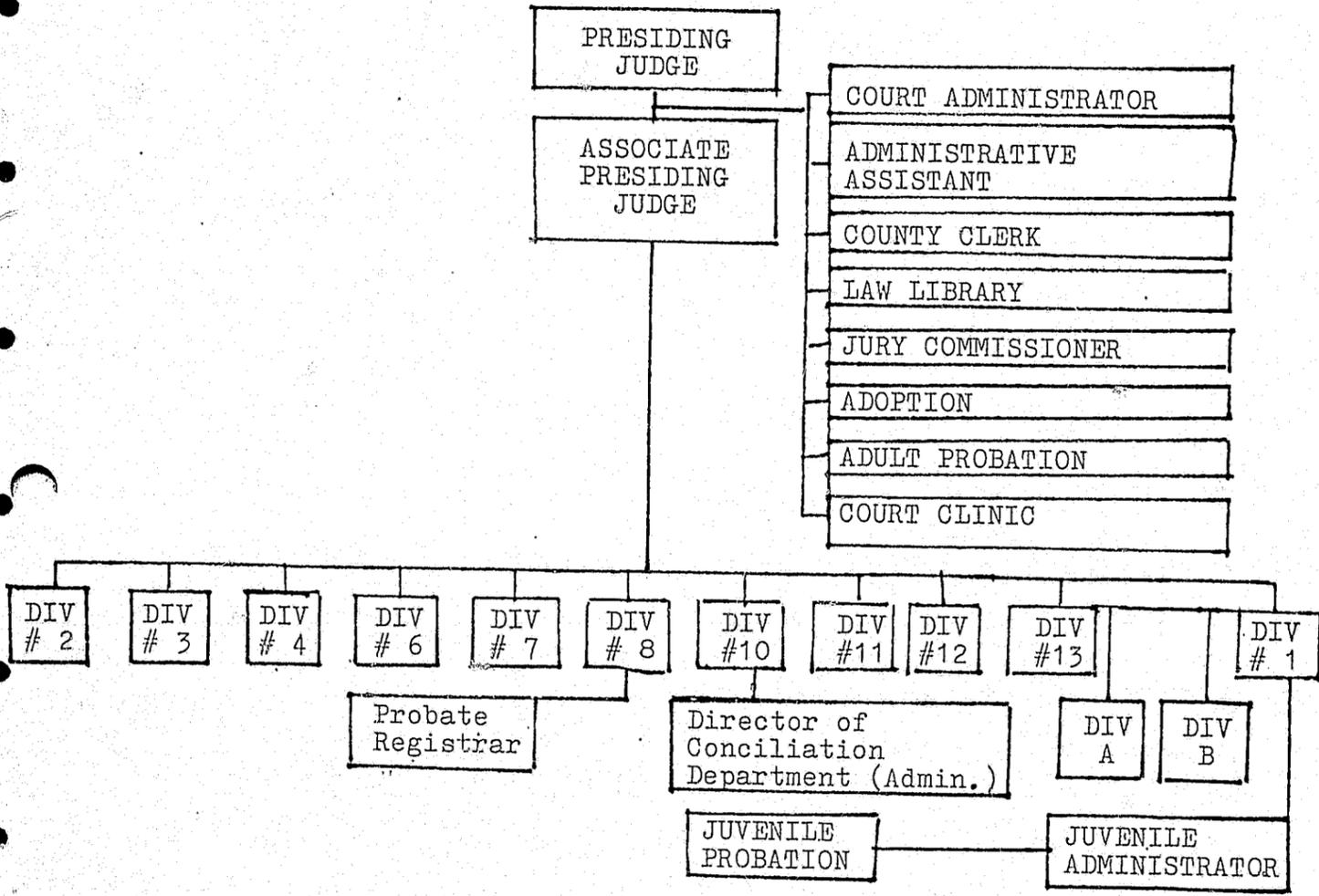


JUDICIAL DIVISIONS

&

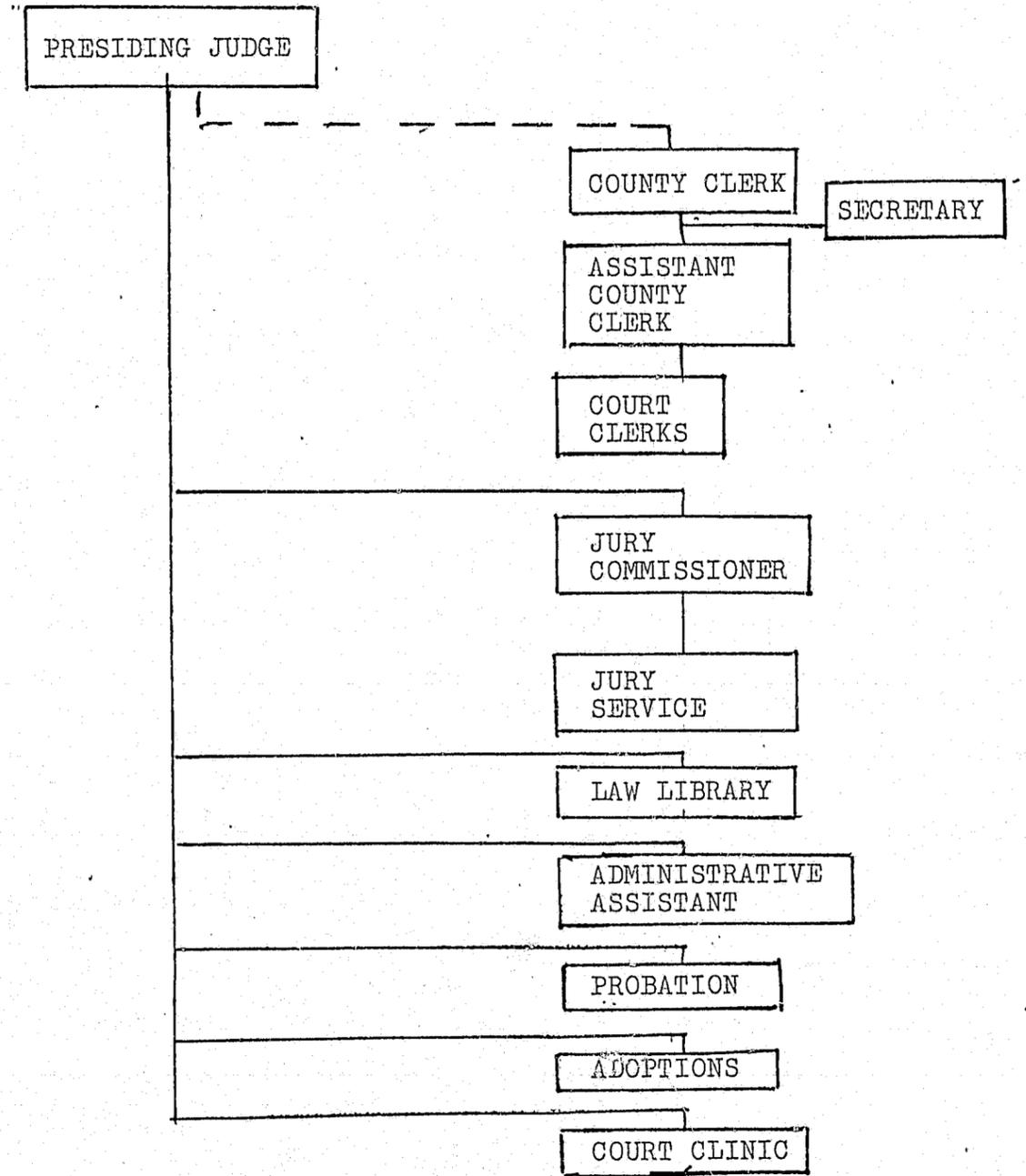
SUPPORT PERSONNEL

PIMA COUNTY SUPERIOR COURT



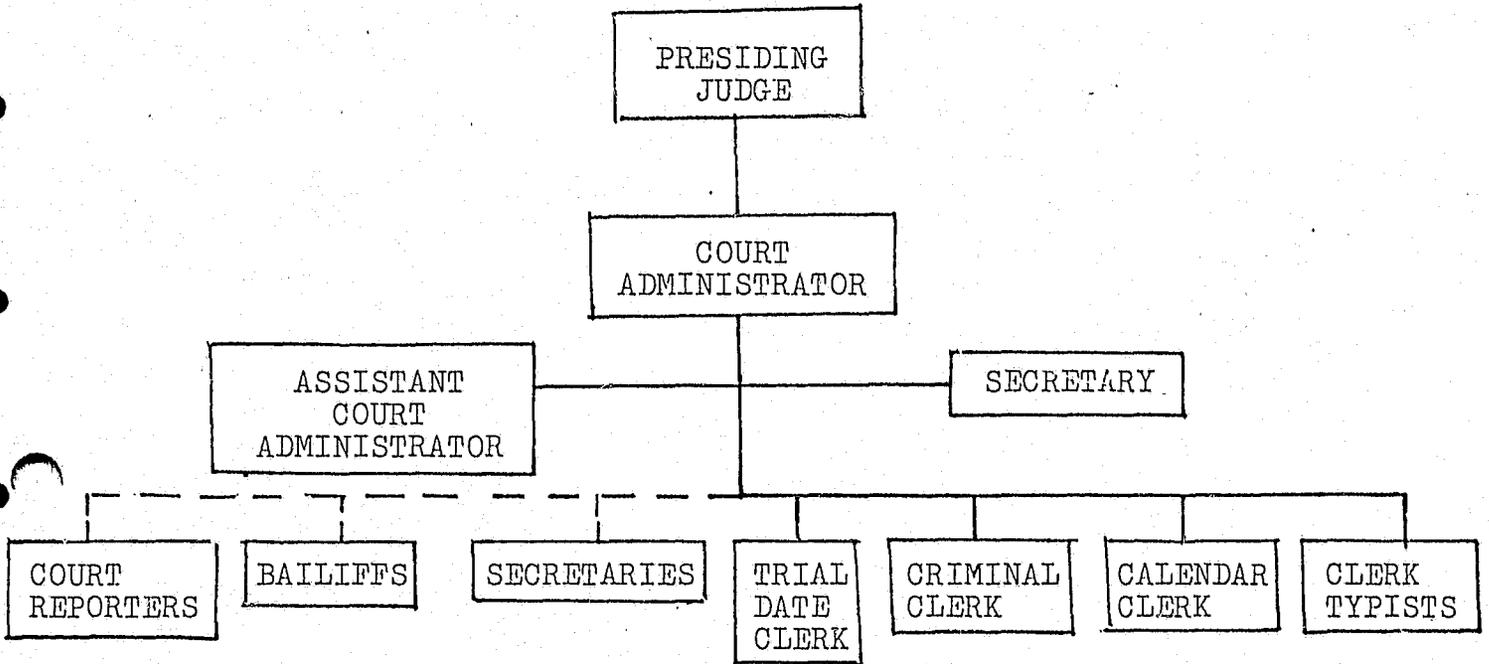
Probate Registrar-Handles

PIMA COUNTY SUPERIOR COURT

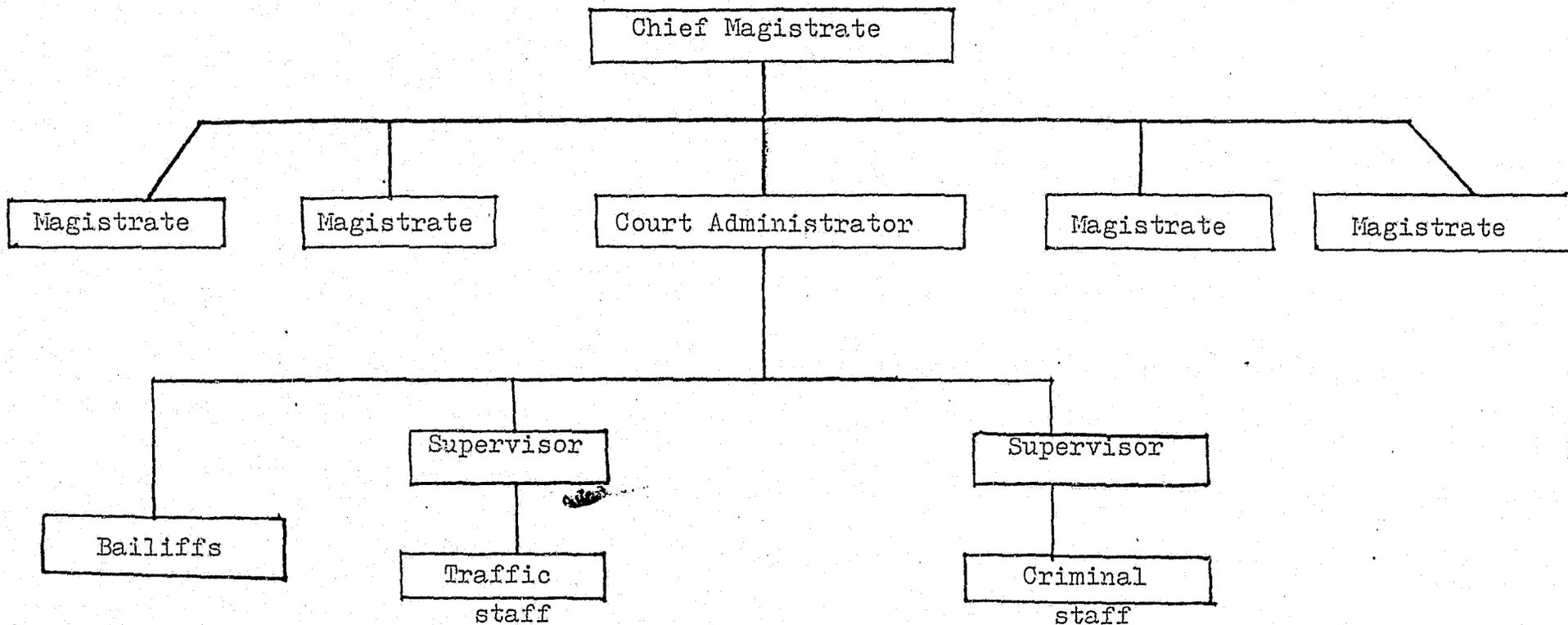


PIMA COUNTY SUPERIOR COURT

COURT ADMINISTRATOR'S
OFFICE



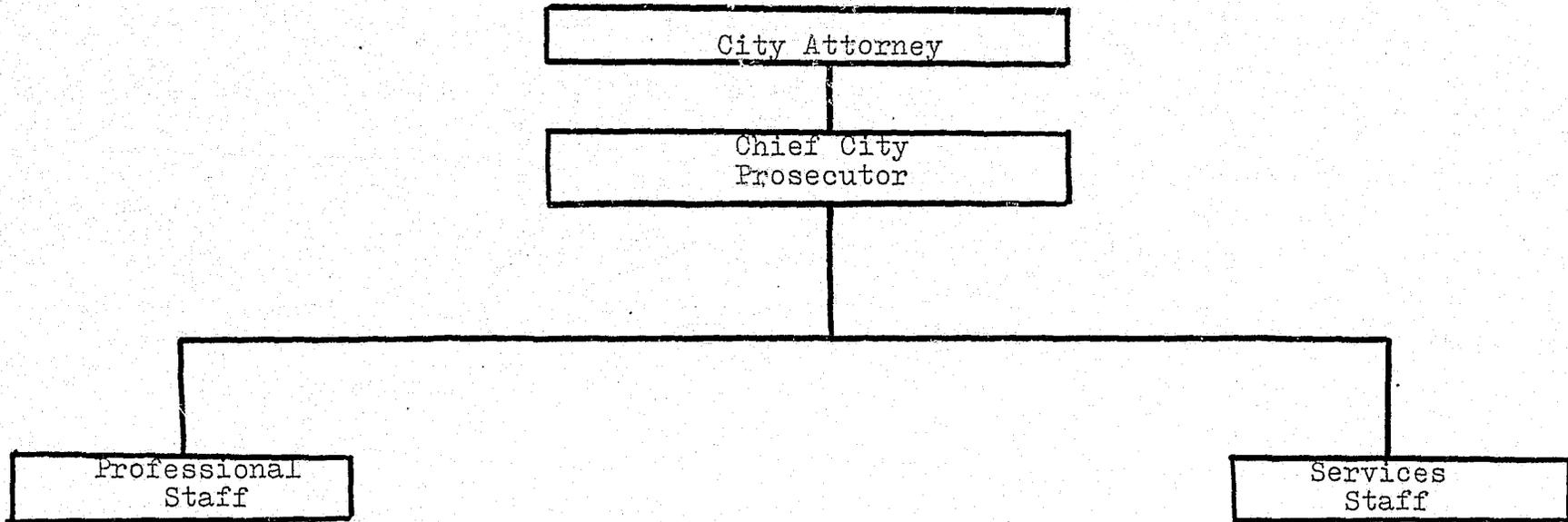
TUCSON CITY COURT



CONTINUED

3 OF 4

TUCSON CITY PROSECUTOR'S OFFICE



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APPENDIX IV

ADMINISTRATIVE PROTECTIONS FOR THE LANGUAGE HANDICAPPED AND FORMS, SELECTED FORMS IN USE, SUPREME COURT OF ARIZONA'S TRANSLATION OF SELECTED COURT FORMS

I. ADMINISTRATIVE PROTECTIONS

In each instance when a defendant who has been diagnosed as language handicapped is given forms or written information, the document in question should be translated into Spanish. At present, most of the forms used by the Superior and Justice Courts have been translated under the direction of the Supreme Court of Arizona. There are questions about the accuracy of each of the sets of translations that are currently available. One job that must be done by Justice Interpreters is a translation of not only court forms, but all other documents and written information sheets which are commonly distributed to defendants as well. Presently available translated forms and written information generally are not used in Pima County. This is a serious defect in the system.

Much more care in the explanation of the formal and signed waiver of rights by defendants identified as language handicapped is needed. It is therefore recommended that in every case of a waiver of rights, by a language handicapped defendant in open court, that a Justice Interpreter be present and informally certify that the defendant has understood the

substance of the waiver by initialing the bottom of the form in question. This especially involves all instances where a defendant makes a formal waiver of rights by signature.

II. SELECTED FORMS IN USE

For reference, a number of forms mentioned in the body of the report, including some translations which have been provided by the Arizona State Supreme Court, are as follows:

1. Arrest Information (Pima County Sheriff's Department)
2. Release Questionnaire/Interim Complaint
3. Complaint (Misdemeanor) (Felony)
4. Criminal Complaint Misdemeanor
5. Criminal Complaint Felony
6. Order holding defendant to answer before the Superior Court - Transmittal Certification
7. Copy of order holding defendant to answer to Superior Court.
8. Warrant For Arrest (Justice Court) - Form II(a)
9. Warrant For Arrest (Superior Court) - Form II(b)
10. Summons - Form III
Translation Sample - Comparendo
11. Release Order - Form VI
Translation Sample #1 - Orden de Libertad
Translation Sample #2 - Orden de Libertad
12. Waiver of Counsel - Form VIII
Translation Sample #1 - Renuncia a Nombramiento de Abogado
Translation Sample #2 - Renuncia Voluntaria de Abogado
13. Waiver of Preliminary Hearing - Form X
Translation Sample - Renuncia a Audencia Preliminar

- 14. Plea Agreement - Form XVIII
Translation Sample - Acuerdo de Declaracion
- 15. Waiver of Trial by Jury - Form XX
Translation Sample #1 - Renuncia a Juicio por Jurado
Translation Sample #2 - Renuncia de Juicio por Jurado
- 16. Notice of Right to Appeal - Superior Court-Form XXIII
Translation Sample #1 - Notificacion del Derecho de Apelacion y su Tramitacion
Translation Sample #2 - Aviso del Derecho de Recurso a Tribunal Superior y Manera de Proceder con la Apelación
- 17. Subpoena - Form XXVI(a)
Translation Sample - Orden de Presentación
- 18. Alternative Form of Subpoena - Form XXVI(b)
Translation Sample - Orden de Presentación
- 19. Financial Statement - Form V
Translation Sample - Informe Financiero del Acusado y Petición para que se Nombre Abogado Gratuito

PIMA COUNTY SHERIFF'S DEPARTMENT
ARREST INFORMATION

		BOOKING #
DATE	TIME	CASE #
DEFENDANT - LAST, FIRST,		MIDDLE (IN FULL)
ADDRESS: NUMBER & STREET		CITY STATE
D.O.B. DAY, MONTH, YEAR	AGE	OPER. LIC. NO. STATE
LOCATION OF ARREST		GRID
CHARGES:		
<input type="checkbox"/> FELONY	1.	
<input type="checkbox"/> MISDEMEANOR	2.	
PREVIOUS ARREST HISTORY: FBI # _____ MUG # _____		
<input type="checkbox"/> DWI, DRAG RACING, RECKLESS WITH 24 MONTHS		
<input type="checkbox"/> SHOPLIFTING	<input type="checkbox"/> DRIVING/SUSPENDED LICENSE	
OTHER _____		
ARRESTING OFFICER (S)		P.R. #
VEHICLE DESCRIPTION		WHERE STORED
CITATION DELIVERED -		TIME, DATE & LOCATION
PHONES CALLS:		OFFICER ALLOWING _____
NUMBER CALLED	DATE	TIME
TWX OPERATOR	DATE	TIME

RELEASE QUESTIONNAIRE (PL. 11)
IN REPLY OF PLAINT

_____ Date

STATE OF ARIZONA,

_____ Court
Pima County, State of Arizona

vs. _____
(print defendant's name)

No. _____

To be Completed by the Defendant or by the Magistrate.

(PRINT ALL INFORMATION)

TO THE DEFENDANT: The following information is for the purpose of determining the conditions under which you may be released at this time. You are not required to answer any question if you feel the answer might be harmful to you. The answers you give to the following questions will be used by the court for the purpose of determining the conditions of your release. However, your answers will be checked against the information supplied by the police, and with the references you yourself give on the form. Any discrepancies may result in higher bail or harsher conditions of release. Any information you give may be used against you in this or any other matter.

A. General Background.

1. Background and Residence.

- a. Full name _____
- b. Sex _____; Race _____; Age _____
- c. Place of birth _____ Present Citizenry _____
- d. If you are not a citizen, how long have you been in this country? _____
- e. Permanent address where the court may reach you _____
- f. Telephone _____
- g. How long have you lived at this address? _____
- h. Where else have you lived in the past year and for how long? _____
- i. Where will you go if released today? _____

2. Family.

- a. Are you married? Yes ___ No ___ Are you living with your spouse? Yes ___ No ___
- b. How many other persons (including your children) are living with you? _____
- c. How much do you contribute to their support? _____
- d. Do you have regular contact with any other relatives? Yes ___ No ___
Explain _____

3. Employment.

- a. Are you presently employed? Yes ___ No ___ If not, what is your principal means of support? _____

- b. Employer's name _____
- c. His address _____ Telephone _____
- d. What is the nature of your job? _____
- e. How long have you worked there? _____

4. Criminal Record.

Do you have any previous criminal record? Yes ___ No ___ If so, explain: _____

5. Record of Appearance.

Have you ever been released on bail or other conditions pending trial?

Yes ___ No ___ Did you ever fail to appear as required? Yes ___ No ___

If so, explain: _____

6. Supervision.

Is there any organization (church, union, club or other) or any person who might agree to supervise you and be responsible for your return to court as required?

Yes ___ No ___ Organization or person to contact _____

Address _____ Telephone _____

7. Other Circumstances.

Are there any other matters (such as your health or illness in your family) which you feel the court should consider in making its decision? _____

8. Verification.

Is there any other friend, relative, neighbor, minister or other person who can be called as a reference to this information?

Name	Address
_____	_____
_____	_____

FORM I. COMPLAINT

COURT
COUNTY, ARIZONA

[PRECINCT _____]

STATE OF ARIZONA,

Plaintiff

v.

No. _____

COMPLAINT

[MISDEMEANOR] [FELONY]

Defendant(s).

The complainant herein personally appears and, being duly sworn, complains [of his own knowledge] [on information and belief] against

A. B.

charging that in E Precinct, F County, Arizona:

Count One (BURGLARY -- ARMED)

On or about June 10 or 11, 1973, A. B. committed burglary of a dwelling house located at 131 East Elm Street, while armed with a deadly weapon, to wit: a blackjack, in violation of A.R.S. § 13-302, as amended.

Count Two (AGGRAVATED ASSAULT)

On or about June 10 or 11, 1973, A. B. committed an aggravated assault upon C. D. in violation of A.R.S. § 13-245, as amended.

Count Three (THEFT OF A MOTOR VEHICLE)

On or about June 10 or 11, 1973, A. B. with the intent to either temporarily or permanently deprive, stole from C. D. a 1966 Chevrolet, two door, Arizona License No. _____, motor number _____, in violation of A.R.S. §§ 13-672, as amended, and 13-1645.

Complainant

Agency or Title

Subscribed and sworn to before me on _____, 19____
(month) (day) (year)

Magistrate

Title

Precinct No. _____

COURT

PIMA COUNTY, ARIZONA

STATE OF ARIZONA,

Plaintiff,

vs.

NO. _____

CRIMINAL COMPLAINT

MISDEMEANOR

Defendant(s)

The undersigned having appeared personally and having been duly sworn does, upon information and belief, accuse

and charges that in Pima County, Precinct No. _____:

Complaining Witness

SUBSCRIBED AND SWORN to
before me this _____ day
of _____ 19____.

Magistrate

Print name and agency

IV-95

Title

CA-5 (8/73)

Precinct No. _____

COURT

PIMA COUNTY, ARIZONA

STATE OF ARIZONA,

Plaintiff,

vs.

NO. _____

CRIMINAL COMPLAINT

FELONY

Defendant(s)

The undersigned having appeared personally and having been duly sworn does, upon information and belief, accuse

and charges that in Pima County, Precinct No. _____:

Complaining Witness
Print name and agency
CA-16 (8/73) IV-96

SUBSCRIBED AND SWORN to
before me this _____ day
of _____ 19__.

Magistrate
Title

Form #5

ORDER HOLDING DEFENDANT TO ANSWER
BEFORE THE SUPERIOR COURT

I hereby ORDER that the following defendant(s):

be held to answer before the Superior Court the charges that, in Precinct Number _____, Pima County, Arizona, said defendant(s)

() committed the public offense(s) as specified in the above complaint (overleaf).

or

() committed the public offense(s) as specified in the amended complaint (annexed hereto and incorporated herein by reference).

() I find probable cause to believe the above described offense(s) were committed and the defendant(s) committed them.

or

() A preliminary hearing on the charges was waived by:

Date

Magistrate

Title

TRANSMITTAL CERTIFICATION

I hereby certify that the enclosed items constitute a true and complete record of the preliminary proceedings held in the above-entitled case appearing in my Docket No. _____, at Page _____.

The following items are included:

- () The original complaint, including amendments, if any;
- () The supporting affidavits of the following witnesses: _____
- () The arrest warrant or summons;
- () The defendant's release questionnaire;
- () The defendant's financial statement;
- () A copy of the completed release order;
- () The defendant's appearance bond;
- () Security deposited in connection with the appearance bond; (Describe) _____
- () Defendant's waiver of counsel;
- () Order appointing counsel;
- () Written appearance of counsel;
- () Defendant's waiver of preliminary hearing;
- () Physical evidence admitted at the preliminary hearing; (Describe) _____
- () Order holding the defendant to answer in superior court;
- () Other. (Describe) _____

Date

Magistrate

Title

CA-16 (8/73)
2 of 2

IV-97

Form #6

IN THE JUSTICE COURT, PRECINCT NO. _____
COUNTY OF PIMA, STATE OF ARIZONA

THE STATE OF ARIZONA,)
)
 Plaintiff,)
)
 vs.)
)
 Defendant.)
 _____)

CASE NO. _____
COPY OF ORDER HOLDING DEFENDANT
TO ANSWER TO SUPERIOR COURT

I hereby certify that the following is a true and correct copy of an order
made in the above entitled case on the _____ day of _____, 19____, and
appearing in my Docket No. _____, Page _____.

It appearing to me that the crime of:

has been committed in Precinct No. _____, County of Pima, State of Arizona, on or
about the _____ day of _____, 19____, and that there is probable cause to
believe defendant guilty thereof, I order that he be held to answer the same.

And be admitted to bail in the sum of _____ Dollars.

And be committed to the Sheriff of Pima County, Arizona, until said bail
is given.

DATED this the _____ day of _____, 19____.

JUSTICE OF THE PEACE
PRECINCT NO. _____

FORM II(a). WARRANT FOR ARREST (JUSTICE COURT)
JUSTICE COURT, PRECINCT _____
_____ COUNTY, ARIZONA

STATE OF ARIZONA,)
)
 Plaintiff)
)
 v.)
)
 Defendant(s).)
 _____)
 _____)

No. _____
WARRANT FOR ARREST

TO ALL PEACE OFFICERS OF THE STATE OF ARIZONA:

A complaint has been filed in this court against

_____ charging that in _____, Precinct, _____ County, Arizona:

[See Form of Charges in Form I.]

I have found reasonable cause to believe that such offense(s) were
committed and that the accused committed them, and reason to
believe that the accused will not appear in response to a summons,
or that a warrant is otherwise appropriate.

YOU ARE THEREFORE COMMANDED to arrest the accused and bring
him before this court to answer the charges. If this court is
unavailable, or if the arrest is made in another county, you shall
take him before the nearest or most accessible magistrate. You
may release him if he posts a secured appearance bond in the
amount of _____ dollars.

_____ Date _____ Justice of the Peace

CERTIFICATE OF EXECUTION

I certify that I arrested _____ at _____ a.m.
_____ 19____, and presented him before Judge _____ p.m. on
(month) (day) (year) _____
_____ at _____.

Agency

Deputy Sheriff/Officer

ORDER OF COMMITMENT

_____ on _____, having been brought before me at _____ a.m.
_____ 19____, is committed to the custody of the Sheriff _____ p.m.
(month) (day) (year) _____
of _____ County, Arizona, to be detained until he complies
with the conditions of the release order of this date, or any
amendment or modification thereof.

Magistrate

- 210-

Title

FORM II(b). WARRANT FOR ARREST (SUPERIOR COURT)

SUPERIOR COURT OF ARIZONA

_____ COUNTY

STATE OF ARIZONA,

Plaintiff

v.

No. _____

WARRANT FOR ARREST

Defendant(s).

TO ALL PEACE OFFICERS OF THE STATE OF ARIZONA:

An indictment or information has been filed in this court against _____ charging that in _____ County, Arizona:

[See Form of Charges in Form I.]

The court has found reasonable cause to believe that such offense(s) were committed and that the accused committed them, and reason to believe that the accused will not appear in response to a summons, or that a warrant is otherwise appropriate.

YOU ARE THEREFORE COMMANDED to arrest the accused and bring him before this court to answer the charges. If this court is unavailable, or if the arrest is made in another county, you shall take him before the nearest or most accessible magistrate. You may release him if he posts a secured appearance bond in the amount of _____ dollars.

Given under my hand and seal on _____ 19_____, at the direction of the court.

Clerk of the Superior Court
By _____
Deputy Clerk

CERTIFICATE OF EXECUTION

I certify that I arrested _____ at _____ a.m. on _____ 19_____, and presented him before Judge _____ p.m. on _____ (month) (day) (year) at _____.

Agency
Deputy Sheriff/Officer

ORDER OF COMMITMENT

_____, having been brought before me at _____ a.m. on _____ 19_____, is committed to the custody of the Sheriff of _____ County, Arizona, to be detained until he complies with the conditions of the release order of this date, or any amendment or modification thereof.

- 211 - _____
Magistrate
Title

FORM III. SUMMONS

[CAPTION]

SUMMONS

A complaint, indictment or information has been filed in this court against you, _____, charging that in _____ County, Arizona:

[See Form of Charges in Form I.]

YOU ARE HEREBY SUMMONED to appear before this court at _____ a.m.

_____ at _____ p.m. on _____ (month) _____ 19_____.
(address) (day) (year)

YOU ARE FURTHER ORDERED to appear at _____ (agency)

_____ on or before _____ 19_____.
(address) (month) (day) (year)
for the purpose of being fingerprinted and photographed.

IF YOU FAIL TO APPEAR AS REQUIRED HEREIN, A WARRANT WILL BE ISSUED FOR YOUR ARREST.

Date Magistrate

Title

OFFICER'S RETURN

I certify that I personally served this summons on _____

_____ at _____ a.m. on _____ p.m. on _____ (month) (day) 19_____, at _____, Arizona.
(year)

Agency

By _____
Deputy Sheriff/Officer

(CAPTION)

COMPARENDO

Una demanda, procesamiento o informe se ha interpuesto ante esta Corte en contra de _____ acusándole de que, en el Condado de _____ Estado de Arizona,

POR MEDIO DEL PRESENTE se hace un llamado para su comparencia en _____

_____ a las _____^{am} pm, el día _____
(Domicilio) de _____ de 19 _____.

ADEMAS, SE ORDENA su presencia en _____ Agencia

_____ antes de, o el día _____ de _____
Domicilio

de 19 _____.

con el fin de tomarse las huellas digitales y fotografía.

DE NO CUMPLIR CON ESTE COMPARENDO, SE DICTARA ORDEN PARA SU APREHENSION.

Fecha _____ Magistrado _____

Capacidad _____

NOTIFICACION DE ENTREGA

El suscrito certifica que hizo entrega de este comparendo el día _____ de _____ de 19 _____ a las _____^{an.} pm en la ciudad de _____, Arizona.

_____ Agencia

_____ Oficial Delegado

[CAPTION]

RELEASE ORDER

It is hereby ordered that the defendant be released, provided that he comply with the standard conditions and all other conditions checked below.

I. Standard Conditions of Release

If released, the defendant shall appear at _____, at _____^{a.m.} p.m. on _____, 19 _____, and during the pendency of this case: (month) (day) (year)

- (1) Appear to answer and submit himself to all further orders and processes of the court having jurisdiction of the case;
- (2) Refrain from committing any criminal offense;
- (3) Not depart the state without leave of court; and
- (4) If released during an appeal, prosecute his appeal with due diligence.

WARNING TO THE DEFENDANT:

You have a right to be present at your trial and at a number of other proceedings of which you will be notified. If you do not appear at the time set by the court, a warrant will be issued for your arrest and the proceeding will begin without you.

Check if Applicable

Own Recognizance () The court does not find that imposition of other conditions is reasonably necessary to assure the defendant's appearance as required.

II. Additional Conditions of Release

The court finds that the following additional conditions are necessary to assure the defendant's appearance as required:

Appearance Bond () The defendant will execute an appearance bond approved by the court and binding himself to pay the state of Arizona the sum of _____ dollars (\$) in the event that he fails to comply with its conditions.

Third Party Custody

()

The defendant will be placed in the custody of

(Name of person or organization)

(address)

(City and State) (Telephone Number)

who agrees (a) to supervise the defendant in accordance with the conditions of this order, (b) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court having jurisdiction of the case, and (c) to notify the court immediately in the event the defendant violates any condition of his release or disappears.

Signed: _____
Custodian or Proxy

Restrictions on Travel, Association or Place of Abode

()

The defendant will comply with each of the following conditions:

Other Conditions

()

The defendant will comply with each of the following other conditions of release:

Secured Appearance Bond

()

The defendant will deposit with the clerk of the court security in the full amount of the appearance bond required above.

Part-Time Release

()

The defendant will be released from _____ a.m. to _____ a.m. _____ p.m. to _____ p.m. on the following days of the week _____ on condition that he return to custody during all other times at such place of confinement as the Sheriff shall designate.

III. Consequences of Violating This Order

If the defendant violates any condition of an appearance bond, the court may order the bond and any security deposited in connection therewith forfeited to the state of Arizona.

In addition, the court may issue a warrant for the defendant's arrest upon learning of his violation of any of the conditions of his release. After a hearing, if the court finds that the defendant has not complied with the conditions of release, it may modify the conditions or revoke his release altogether.

If he was released on a felony charge, and the court finds the proof evident or the presumption great that he committed a felony during the period of release, it shall revoke his release. Such defendant would also be subject to an additional criminal charge, and upon conviction could be punished by imprisonment for not more than five years in the state prison, in addition to the punishment which would otherwise be imposable for the crime committed during the period of release.

Upon finding that the defendant or any other person named in this order has willfully violated its terms, the court may also find him in contempt of court and sentence him to a term of imprisonment, a fine, or both.

IV. Acknowledgement by Defendant

I understand the standard conditions and all other conditions of my release checked above, and the forfeitures and penalties applicable in the event I violate them.

I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

Defendant

Address

City and State

Tel.No.

Entered on:

_____ 19_____.
(month) (day) (year)

Magistrate

(CAPTION)

ORDEN DE LIBERTAD

Por la presente se ordena la libertad del acusado, amonestándosele el cumplimiento de la condiciones normales, y todas aquellas condiciones que al pie se indican.

I. Condiciones normales de Libertad

De concedérsele libertad, el acusado comparecerá ante _____, a las _____^{am} pm el día _____ de _____ de 19____ y durante la pendencia de este caso a:

- (1) Comparecer a responder y someterse a toda orden posterior y proceso de la corte competente en el caso.
- (2) Desistir a comisión de delitos penales
- (3) No ausentarse de este estado sin previo permiso de la corte.
- (4) De concedérsele libertad durante apelación, procesar su apelacion con debida diligencia.

AMONESTACION AL ACUSADO:

Tiene Ud. el derecho de estar presente en su juicio y durante cualesquier otro proceso del cual se le notifique. Si no se presenta a la hora fijada por la corte, se ordenará su aprehension y el proceso dara principio en su ausencia.

BAJO
PALABRA
PROPIA

- () La corte no considera que háya necesidad de imponer otra condición para asegurar la comparecencia del acusado como se le requiere.

II. Condiciones de libertad adicionales

La corte considera que las siguientes condiciones adicionales son necesarias para asegurar la comparecencia del acusado como se le requiere:

Fianza de Comparecencia () El acusado firmará una fianza de comparecencia con el apuebo de la corte, mediante la cual se comprometerá pagar al Estado de Arizona la cantidad de _____ (\$ _____) dólares en caso de que el acusado no cumpla con sus condiciones.

Custodia a tercer parte () El acusado se pondrá bajo custodia de

_____ (nombre de persona u organizacion,

domicilio

Ciudad _____ telefono _____

quienes esten de acuerdo (a) en supervisar al acusado conforme a las condiciones de esta orden, (b) de emplear cualesquier esfuerzo para asegurar la comparecencia del acusado a todos los procesos fijados por la corte competente en el caso, (c) dar aviso en caso de que el acusado infrinja las condiciones de su libertad condicional o se ausente.

Restricciones de Viaje
Asociación o Lugar de
alojamiento.

() El acusado cumplirá con cada una de
las siguientes condiciones:

Otras
Condiciones:

() El acusado cumplirá con cada una de
las otras siguientes condiciones de
libertad condicional:

Fianza de
Comparecencia con
Caución

() El acusado depositará en la Secreta-
ria de la Corte, cierta garantía e-
quivalente a la fianza de comparecen-
cia que se le requiere.

Libertad
Parcial

() El acusado gozará de libertad desde
las _____^{PM} hasta las _____^{PM} durante
los siguientes días de la semana:

con la condición que vuelva a custodia
durante el demás tiempo a tal lugar de
reclusión que se indique por el Sheriff.

III Consecuencias de la infracción de esta orden

Si el acusado infringe cualesquiera de las condiciones de una fianza de comparecencia, la corte ordenará la decomisión de la fianza y de cualesquiera otra garantía que se haya depositado con respecto a la fianza, con reversión al Estado de Arizona.

Además, la corte decretará una orden de aprehensión en contra del acusado al momento de tener conocimiento de su infracción a las condiciones de su libertad condicional. Después de una audiencia, si la corte determina que el acusado no ha cumplido con las condiciones de su libertad condicional, la corte podrá modificar las condiciones o revocar la libertad.

Si se le concede libertad cuando se encuentra acusado de un delito grave, y la corte considera que hay prueba evidente o preponderancia mayor de que el acusado ha cometido otro delito grave durante el término de su libertad condicional, la corte revocará su libertad. Dicho acusado estaría sujeto a proceso penal adicional, y de ser convicto, se le podría condenar a prisión por un término no mayor que de cinco años en la penitenciaría del estado además de la condena que se le puede imponer por el delito cometido durante el término de su libertad.

Al tenerse conocimiento de que el acusado o cualesquier otra persona nombrada en esta orden ha infringido intencionalmente sus condiciones, la corte también podrá encontrarles culpables del delito de desafío a la corte y condenarles a un término de encarcelamiento o multa, o ambos.

IV ATESTACION DEL ACUSADO

Comprendo las condiciones normales y todas las otras condiciones de mi libertad condicional que arriba se han indicado, y decomisiones y penas que se aplican en caso de infringirlas.

Estoy de acuerdo en cumplir cabalmente con cada una de las condiciones que se impongan en mi libertad condicional, y de dar aviso inmediatamente en caso de cambiar del domicilio que arriba se ha indicado.

Acusado

Domicilio

Ciudad, Estado Teléfono

Visto:

Mes día año

Magistrado

VI. RELEASE ORDER

[CAPTION]

Orden de Libertad

Por la presente SE ORDENA que el acusado se ponga a libertad, con tal que obedezca Las Condiciones Regulares y toda otra condición señalada aquí.

I. Condiciones Regulares de Libertad Vigilada

Si dado su libertad, el acusado se presentara en _____ a las _____ a.m. p.m.

del _____ 19_____, y durante la vigencia
mes/month día/day año/year
de esta causa:

1. Se presentara para responder y someterse a toda orden o proceso de esta u otra tribunal que tenga autoridad en esta causa.
2. No cometera el acusado cualesquier otro delito criminal.
3. No viajara el acusado fuera del estado sin el permiso del tribunal.
4. Si dado la libertad para apelar su causa, apelara dicha causa sin demora.

AVISO AL ACUSADO

Tiene Ud. el derecho de estar presente para su juicio y para varios otros procedimientos de cuales se le dara noticia. Si no se presenta a la hora dispuesta por el tribunal, se dara orden para su detención y el procedimiento se comensara sin su presencia.

Señalese si aplicable

Libertad a cargo propio () El tribunal no encuentra que hay necesidad de imponer otras condiciones para asegurar que se presentara el acusado como se requiera.

II. Condiciones adicionales para la libertad

El tribunal ha decidido que las siguientes condiciones son necesarias para asegurar que el acusado se presente como se le es requerido.

Fianza de presentamiento () El acusado hara fianza de presentamiento aprobada por el tribunal y obligándose a pagarle al estado de Arizona la cantidad de _____ dolares (\$) en caso de que no cumpla con las condiciones de tal fianza.

Entrego al cuidado de tercer persona () El acusado se pondra al cuidado y supervision de:

nombre de la persona u organizacion name of person or organization

domicilio/address

ciudad y estado/city and state

teléfono/telephone

quien se compromete a (1) supervisar al acusado de acuerdo con las condiciones de este orden (2) hacer todo lo posible para asegurar que el acusado se presente a todas las audiencias ante tribunal autorizado a oír esta causa, y (3) inmediatamente avisarle a este tribunal en caso de que el acusado desobedezca alguna condición de su libertad.

firma _____
custodiano/custodian
o or
agente proxy

Restricciones de viaje, alojamiento, o asociacion () El acusado obedecera cada una de las siguientes condiciones:

Otras condiciones () El acusado obedecera cada una de las siguientes condiciones de su libertad:

Fianza de presentamiento
asegurada

() El acusado depositara con la
secretaria de tribunal seguridad
con valor equivalente a la fianza
aquí mismo exigida.

Orden de libertad parcial

() El acusado sera dado libertad de
a.m.
las _____ p.m. a las
a.m.
_____ p.m. en los
siguientes días de la semana:

_____, _____,

_____, _____

bajo la condición de que se
entreque a custodia durante todo
otro tiempo, en el lugar de
encierro que designe el sherife.

III. Consecuencias de alguna violación de esta orden

Si el acusado violara alguna condición de su fianza de
presentamiento, el tribunal esta empoderado a ordenar la pérdida de
la fianza y cualesquier seguridad depositada junto con la fianza,
al estado de Arizona.

El conjunto, el tribunal esta autorizado a dar orden de encar-
celamiento del acusado, en tanto y cuanto tenga noticia de que el
acusado ha violado alguna condición de su libertad. Después de
audiencia, si el tribunal decide que el acusado no ha cumplido con
las condiciones impuestas a su libertad, puede modificar esas
condiciones, o revocar su libertad por completo.

VI. Release Order -

III. Continued

Si el acusado ha sido libertado bajo acusación de felonía, y
el tribunal determina que hay prueba manifiesta o gran probabili-
dad de que haya cometido el acusado una felonía durante ese tiempo
que se le dió libertad, el tribunal forzosamente revocará su
libertad, tal acusado estara sujeto a acusación criminal adicional,
y despues de convicción pudiera ser castigado por encarcelamiento en
la prisión del estado por hasta cinco (5) años, además de ser castigado
por el crimen cometido durante el tiempo de su libertad vigilada.

Una vez que se determine que el acusado, o cualesquier otra
persona nombrada en esta orden haya a propósito violado alguna de
las condiciones de esta orden, el tribunal puede determinar que esa
persona ha despreciado el tribunal, y sentenciarlo a encarcelamiento,
multa o ambos.

IV. Reconocimiento por el Acusado

Entiendo las condiciones regulares, y toda otra condición a mi
libertad aquí señalada, también entiendo las pérdidas y castigos
aplicables en caso de que las viole.

Estoy de acuerdo en cumplir plenamente con cada una de las
condiciones impuestas a mi libertad y en avisarle al tribunal si
cambio el domicilio aquí indicado.

acusado/defendant

domicilio/address

Dado: _____ 19 _____
mes/month dia/day año/year

ciudad/y estado
city & state

teléfono/telephone

Magistrado/Magistrate

FORM VIII. WAIVER OF COUNSEL

[CAPTION]

WAIVER OF COUNSEL

Instructions: You have told the judge that you do not want a lawyer. The purpose of this form is to notify you of your rights to a lawyer and of the ways in which a lawyer can be important to you in this case, but to allow you to give up your rights if you so choose. Read the entire form carefully before signing it.

Right to a Lawyer

I understand that I am charged with the crime of _____

_____ which is a [misdemeanor] [felony] under the law of Arizona and that if I am found guilty I can be given a severe punishment, including [imprisonment] [in the Arizona State Prison], [in the _____ County Jail], [by a fine], or other penalty.

I understand that under the constitutions of the United States, and of the state of Arizona, I have the right to be represented by a lawyer at all critical stages of this criminal case -- before trial, at the trial itself, and during proceedings to determine what sentence should be imposed if I am found guilty. I understand that if I am unable to obtain the services of a lawyer without incurring substantial hardship to myself or to my family, one will be furnished for me free of charge.

I understand that the services of a lawyer can be of great value in determining whether the charges against me are sufficient as a matter of law, whether the procedures used in investigating the charges and obtaining evidence against me, including any confession I may have made, were lawful, whether an act I may have committed actually amounts to the crime of which I am charged, whether I have any other valid defense to the charges, and, if I am found guilty, whether I should be placed on probation, be required to pay a fine, or be sentenced to a term of imprisonment. I understand that if I am found guilty of the offense charged, the court may sentence me to a term of imprisonment even though I have given up my right to a lawyer.

Right to a Lawyer at Any time

I understand that I can change my mind about having a lawyer at any time by asking the judge to appoint a lawyer for me, but that I will not be entitled to repeat any part of the case already held without a lawyer.

Certification and Waiver

After reading and understanding all of the above, I hereby give up my rights to a lawyer in this case, and to have a lawyer furnished for me free of charge if I cannot afford one.

DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY OR HAD IT READ TO YOU.

DO NOT SIGN THIS FORM IF YOU WANT A LAWYER.

Defendant

Entered before me on _____, 19____
(month) (day) (year)

Judge

(CAPTION)

RENUNCIA A NOMBRAMIENTO DE ABOGADO

Instrucciones.- Ud. ha hecho del conocimiento del Hon. Juez que Ud. no desea abogado. Este documento tiene por objeto informarle a Ud. de su derecho a abogado defensor, y la manera en que un abogado puede asistirle en este caso; asimismo, para darle a Ud. la oportunidad de renunciar a este derecho si Ud. opta por hacerlo. Debe Ud. leer cuidadosamente todo el contenido antes de firmar.

DERECHO A NOMBRAMIENTO DE ABOGADO

Tengo entendido de que se me acusa del delito de _____, lo cual constituye un delito (menor) (grave), según las leyes del Estado de Arizona; y de encontrármese culpable, que se me puede castigar severamente, incluyéndose la reclusión en (la Penitenciaría del Estado), (la Cárcel del Condado), (imposición de multa), o algún otro castigo.

Entiendo que de conformidad con la Constitución de Los Estados Unidos de Norte América y la Constitución del Estado de Arizona, tengo el derecho de ser representado por abogado durante cualesquier etapa en que se encuentre el proceso penal, ya sea antes del juicio, durante el juicio, y en el proceso de resolución que determinará la sentencia en caso de encontrármese culpable. Comprendo que de no poder sufragar los honorarios de abogado, sin causar por ello gran perjuicio propio ó a mi familia, se me nombrará abogado defensor a costas del gobierno.

Entiendo que los servicios de un abogado pueden servirme para determinar si los cargos en mi contra llenan los requisitos previstos por la ley; para determinar la legalidad de los procedimientos que se hayan empleado en la investigación de los hechos y en la obtención de probanzas en mi contra, incluyendo cualesquier declaración que yo haya hecho; para determinar si cualesquiera de los hechos que yo haya cometido constituyen el delito de que se me acusa; para determinar si hay defensa legal propia en contra de los cargos que se me imputan; y de encontrármese culpable, para determinar si se me puede conceder la libertad condicional; o se me requiera pagar multa, o se me condene a formal prisión. Entiendo que al encontrármese culpable del delito de que se me acusa, se me puede condenar a prisión aún cuando yo haya renunciado al derecho de nombramiento de abogado.

DERECHO A ABOGADO EN CUALESQUIER MOMENTO

Entiendo que puedo cambiar de parecer con respecto a presentar abogado en cualesquier etapa del proceso, y tengo el derecho de solicitar al Hon. Juez que me nombre abogado, pero que no tengo el derecho a la revisión de aquella parte del proceso que ya se haya visto en ausencia del abogado.

CERTIFICACION Y RENUNCIA

Después de leer y de quedar en conocimiento de todo lo anterior, por medio de la presente renuncio al derecho de ser representado por abogado en este caso, y al derecho de nombramiento de

abogado, libre de costo, si yo no pudiese sufragar honorarios.

NO FIRME ESTE DOCUMENTO A MENOS DE QUE LO HAYA LEIDO TODO, O SE LO HAYAN LEIDO A UD.

NO FIRME ESTE DOCUMENTO SI UD. DESEA ABOGADO.

Acusado

Declarado ante mí este día _____ de _____ de 19 _____

Juez

[CAPTION]

Renuncia Voluntaria de Abogado

DIRECCIONES: Le ha dicho al Juez que usted no desea la asistencia de un abogado. El propósito de este escrito es para que se de cuenta del derecho que tiene para la asistencia de un abogado, y de las maneras en que un abogado le pudiera ayudar en esta causa, pero permitirle renunciar la ayuda de un abogado si lo desea. Lea este documento cuidadosamente antes de que la firme. Si no entiende algo, pida que se lo expliquen.

El Derecho a un Abogado

Yo, _____, entiendo que
Nombre de acusado
estoy acusado del crimen de _____

que es [un delito menor] [una felonía] bajo las leyes del estado de Arizona, y si se me halla culpable, puedo ser severamente castigado, incluso [encarcelamiento en la prisión estatal de Arizona], [encarcelamiento en la cárcel del condado de _____, Arizona], [una multa], u otro severo castigo.

Entiendo que bajo la constitución federal de los Estados Unidos, y la constitución estatal de Arizona, tengo derecho de ser representado por un abogado durante todas las fases críticas de esta causa criminal--antes del juicio, en el propio juicio, y durante los procedimientos para determinar el castigo que será impuesto si se me haya culpable. Entiendo que si no puedo pagar la ayuda de un abogado sin perjuicio grave a mí mismo o a mi familia, se me dara la ayuda de un abogado sin algún costo a mí o a mi familia.

Entiendo que los servicios de un abogado pueden ser de gran utilidad para mi en evaluar mi causa, y determinar si la acusación levantada en mi contra es válida bajo la ley. También me puede ayudar un abogado en determinar si los procedimientos usados en la investigación de la acusación y obtención de pruebas materiales, incluyendo cualesquier declaración o confesión hecha por mi, fueron legales. Un abogado pudiera asistirme en decidir si el acto que haya cometido realmente es el crimen de que estoy acusado, y si tengo alguna defensa válida a la acusación. Si se me halla culpable del crimen, entonces un abogado puede averiguar si seré encarcelado, dado una multa, o dado libertad condicional bajo probación. Entiendo que aunque he renunciado mi derecho a un abogado, el tribunal me puede sentenciar a término de encarcelamiento.

Derecho de Pedir Abogado a Cualquier Tiempo

Entiendo que puedo cambiar de parecer a cualquier tiempo, y pedir la asistencia de un abogado. Sólo tengo que pedirle al Juez que me nombre un abogado, pero no tendré derecho de repetir alguna parte de esta causa que se ha procedido sin que tenga abogado.

(CAPTION)

RENUNCIA A AUDIENCIA PRELIMINAR

Instrucciones. - Tiene Ud. derecho a audiencia preliminar en la causa interpuesta en su contra. Este documento tiene por objeto informarlo a Ud. de sus derechos y de la manera en que una audiencia preliminar puede beneficiarle, y para darle oportunidad a Ud. a renunciar a ese derecho si Ud. opta por hacerlo. Lea Ud. el contenido cuidadosamente antes de firmar.

DERECHO A AUDIENCIA PRELIMINAR

Tengo entendido de que se me acusa del delito de _____, lo cual constituye un delito (menor), (grave), según las leyes del Estado de Arizona; y de encontrármese culpable, que se me puede castigar severamente, incluyéndose la reclusión en (la penitenciaría del estado), (la Cárcel del Condado), (imposición de multa), o algún otro castigo.

Entiendo que de conformidad con la Constitución del Estado de Arizona, tengo derecho a una audiencia preliminar, en la cual un Magistrado, sin determinar mi inocencia o culpabilidad, decidirá si hay suficiente evidencia en mi contra como para establecer una causa probable para que se me juzgue por los cargos que se me imputan. Tengo entendido que tengo el derecho de tener abogado durante tal audiencia preliminar, y de no poder obtener los servicios de un abogado sin incurrir, por ello, una carga económica propia ó a mi familia, se me nombrará abogado libre de todo costo.

Tengo entendido que como requisito legal el Procurador de Justicia deberá presentar testigos y probanzas en mi contra en dicha audiencia a modo de demostrar que existe una causa probable para que se me juzgue por los cargos que se me imputan, y, asimismo, tendría yo derecho de interrogar a dichos testigos y presentar evidencia con respecto a mi inocencia. Entiendo que si el Procurador de Justicia no pudiera demostrar que existe una causa probable para que se me juzgue, entonces se abandonará la acción.

Entiendo que mi renuncia al derecho de audiencia preliminar concedería al gobierno el derecho de juzgarme por los delitos que se me imputan sin haber habido una determinación de causa probable por un magistrado.

CERTIFICACION Y RENUNCIA

Después de leer y ratificar todo lo anterior, por medio de este presente renuncio al derecho de audiencia preliminar en este caso.

NO FIRME SI UD. DESEA TENER
UNA AUDIENCIA PRELIMINAR.

Acusado _____

He explicado el significado de una audiencia preliminar al acusado y estoy de acuerdo con su renuncia a dicha audiencia preliminar.

Abogado defensor. _____

Estoy de acuerdo con la renuncia a audiencia preliminar en este caso.

Procurador de Justicia _____

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Form #13 - Translation Sample

[CAPTION]

PLEA AGREEMENT

The state of Arizona and the defendant hereby agree to the following disposition of this case:

Plea: The defendant agrees to plead guilty/no contest to:

Terms: On the following understandings, terms and conditions:

1. That the defendant will receive a sentence no greater than _____ and no less than _____ and consistent with the following additional terms: _____
2. That the following charges are dismissed, or if not yet filed, shall not be brought against the defendant. _____
3. That this agreement, unless rejected or withdrawn, serves to amend the complaint, indictment, or information to charge the offense to which the defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.
4. If the defendant is charged with a felony, that he hereby gives up his right to a preliminary hearing or other probable cause determination on the charges to which he pleads. In the event the court rejects the plea, or the defendant withdraws the plea, the defendant hereby gives up his right to a preliminary hearing or other probable cause determination on the original charges.
5. Unless this plea is rejected or withdrawn, that the defendant hereby gives up any and all motions, defenses, objections or requests which he has made or raised, or could assert hereafter, to the court's entry of judgment against him and imposition of a sentence upon him consistent with this agreement.
6. That if after accepting this agreement the court concludes that any of its provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea, giving the defendant an opportunity to withdraw the plea.

I have read and understand the above. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading (guilty) (no contest) I will be giving up my right to a trial by jury, to confront, cross-examine, and compel the attendance of witnesses, and my privilege against self-incrimination. I agree to enter my plea as indicated above on the

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Form #14

terms and conditions set forth herein. I fully understand that if, as part of this plea bargain, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation in the event that I violate any written condition of my probation.

Date

Defendant

I have discussed this case with my client in detail and advised him of his constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

Date

Defense Counsel

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date

Prosecutor

ACUERDO DE DECLARACION

El Estado de Arizona y el acusado, por esto, medio acuerdan las siguientes disposiciones en este caso:

Declaracion: El acusado está de acuerdo en declararse culpable/nolo contendere al delito de _____ sujeto a los siguientes entendimientos, términos o condiciones:

Condiciones: 1. Que el acusado recibirá una condena no mayor que de _____ y no menos que de _____ y consistente a los siguientes términos condicionales:

2. Que los siguientes cargos se abandonarán, y de no habersele interpuesto, no serán interpuestos en su contra: _____
3. Que este acuerdo, a menos que haya desistimiento o negación, servirá para amendar la demanda, procesamiento o informe de los cargos del delito al cual el acusado se declara culpable, sin haber alegaciones adicionales. Si se reniega o desiste de la declaración de culpabilidad, los cargos originales se reinstaurarán automáticamente.
4. Si se le imputa al acusado un delito grave, que por este medio renuncia a audiencia preliminar u otro determinante de causa probable en los cargos de los cuales se declara culpable. En caso de que la corte no acepte su declaración de culpabilidad, o si el acusado retira su declaración de culpabilidad, el acusado renuncia a su derecho a audiencia preliminar u otro determinante de causa probable en los cargos originales.
5. A menos que esta declaración de culpabilidad se retire o no se acepte, que el acusado renuncia a todas las promociones, defensas, excepciones o pedimentos que por él se hayan hecho o promovido, o que pudieran promover en lo sucesivo, que den contienda al fallo en su contra y a la imposición de la sentencia condenatoria, en consistencia con este acuerdo.
6. Que si despues de aceptarse este acuerdo, la corte concluye que alguna de sus disposiciones con respecto a la sentencia condenatoria o libertad condicional no son apropiadas, la declaración de culpabilidad puede negarse, dándole oportunidad al acusado de retirar dicha declaración.

He leído y entiendo lo que antecede. He discutido el caso y mis derechos constitucionales con mi abogado. Entiendo que al declararme (culpable) (no lo contendere) renuncio a mi derecho a juicio por jurado, al derecho de confrontarme con, interrogar, y exigir la comparencia de testigos; y al privilegio de protección contra la auto-incriminación. Estoy de acuerdo en declararme culpable como anteriormente se ha indicado, sujeto a los términos y condiciones aquí previstos. Entiendo plenamente que, si como parte de este convenio, la corte me otorga libertad condicional, los términos y condiciones que imponga dicha corte están sujetos a modificaciones en cualesquier momento durante el período de libertad condicional en caso de violar, por parte mía, cualesquier condición de mi libertad condicional.

Fecha

Acusado

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He discutido este caso detalladamente con el acusado, y he hecho de su conocimiento sus derechos constitucionales y defensas posibles. Es mi parecer que la declaración y disposiciones aquí previstas son propias de acuerdo con los hechos en este caso. Estoy de acuerdo con la declaración de culpabilidad que ya se ha indicado anteriormente y con los términos y condiciones que se han acordado.

Fecha _____ Abogado Defensor _____

He revisado este caso y estoy de acuerdo con la declaración de culpabilidad y las disposiciones citadas y que son apropiadas y son a mejor interés de la justicia.

Fecha _____ Procurador de Justicia _____

FORM XX. WAIVER OF TRIAL BY JURY

[CAPTION]

WAIVER OF TRIAL BY JURY

Instructions: The purpose of this form is to advise you of your right to trial by jury and to allow you to give up that right if you so choose. Read the entire form carefully before signing it.

RIGHT TO TRIAL BY JURY

I understand that I am charged with the crime of _____ which is a [misdemeanor] [felony] under the law of Arizona and that if I am found guilty I can be given a severe punishment, including [imprisonment] [in the Arizona State Prison], [in the _____ County Jail], [by a fine], or other penalty.

I understand that I am entitled to a trial by jury on these charges, and that the right to jury means the right to have my guilt or innocence decided by a group of ordinary people whose decision must be unanimous.

I understand that in cases in which the death penalty may be imposed, if the case is tried to a jury, it is the jury which must fix the punishment at life or death but if there is no jury the judge makes that decision.

I understand that once I have made the decision to give up my right to jury trial, I may change my mind only with the permission of the court, and may not change it at all once the trial has actually begun.

CERTIFICATION AND WAIVER

After reading and understanding the above, I hereby give up my right to trial by jury and consent to have my guilt or innocence determined by the judge.

Date _____ Defendant _____

I have explained to the defendant his right to trial by jury and consent to his waiver of it.

Defense Counsel _____

I consent to waiver of trial by jury in this case.

Prosecutor _____

I approve of the waiver of the trial by jury in this case.

Judge of the Superior Court _____

(CAPTION)

RENUNCIA A JUICIO POR JURADO

Instrucciones.- Tiene por objeto este documento informarle a Ud. de su derecho a juicio por jurado, y para darle oportunidad a Ud. de renunciar a ese derecho si Ud. opta por hacerlo. Lea todo el documento cuidadosamente antes de firmarlo.

DERECHO A JUICIO POR JURADO

Entiendo que se me acusa del delito de _____ lo cual constituye un delito (grave)(menor) bajo las leyes del Estado de Arizona, y de encontrármese culpable, se me puede castigar severamente, incluyéndose la reclusión en (la Penitenciaría del Estado) (la Cárcel del Condado de _____) (Imposición de multa), o alguna otra pena.

Entiendo que tengo el derecho a juicio por jurado por el delito que se me imputa, y que el derecho a jurado significa el derecho que tengo de que mi inocencia o culpabilidad se decidirá por un grupo de mis semejantes, cuya decisión deberá ser unánime.

Entiendo que en casos por los que se puede imponer la pena capital, si el caso se juzga por jurado, será la competencia de ese jurado fijar la condena a cadena perpetua ó a pena capital, pero de no haber jurado, será el Hon. Juez quien decreta sentencia.

Entiendo que una vez que yo ya haya decidido renunciar a mi derecho a juicio por jurado, podré cambiar de parecer solamente con el permiso de la corte, pero no podré cambiar de parecer una vez que haya dado principio el juicio.

CERTIFICACION Y RENUNCIA

Despues de leer y haber comprendido lo que antecede, por éste medio renuncio a mi derecho a juicio por jurado, y estoy de acuerdo de que si el Hon. Juez decida mi inocencia o culpabilidad.

Fecha _____ Acusado _____

He explicado al acusado su derecho a juicio por jurado y estoy de acuerdo con su renuncia al mismo.

Abogado defensor _____

De acuerdo con la renuncia a juicio por jurado, en este caso.

Procurador de Justicia _____

Se aprueba la renuncia a juicio por jurado en este caso.

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Juez de la Corte Superior _____

Renuncia de Juicio por Jurado

Instrucción: El intento de esta forma es para avisarle de su derecho a juicio por jurado, y permitirle, si gusta, renunciar ese derecho. Lea la forma completamente, antes de firmarla.

Derecho a Juicio por Jurado

Entiendo que estoy acusado del crimen de _____

_____ ,
cual crimen es [delito menor] [felonía] bajo las leyes del estado de Arizona, y que si se determina que estoy culpable, se me puede castigar severamente, incluyendo [encarcelamiento en la prisión estatal] [encarcelamiento en la cárcel del condado de _____] [multa] u otro castigo grave.

Entiendo que tengo el derecho a que esta acusación se juzque por un jurado, y que el derecho a un jurado significa el derecho de que se decida mi inocencia o culpabilidad por un grupo de gente común, cuya decisión tendrá que ser unánime.

Entiendo que en casos en que haya posibilidad que se imponga la pena de muerte, si la causa se decide por el jurado, será el jurado quienes impongan el castigo a vida o muerte, pero si no hay jurado, será el juez quien hará esa decisión.

Entiendo que una vez que haya escogido renunciar mi derecho de juicio por jurado, podré cambiar mi decisión únicamente con el permiso del tribunal, y de ninguna manera podré cambiarla una vez que el juicio se comience. -

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Certificado y Renuncia

Despues de haber leído y entendido lo anterior, por este mismo renuncio mi derecho a un juicio por un jurado y acuerdo en que se determine mi culpabilidad o inocencia por el juez.

_____ fecha/date _____ acusado/defendant

Le he explicado al acusado el significado del derecho a juicio por jurado y concuerdo en su renuncia de ello.

_____ abogado del acusado/defense counsel

Concuerdo en la renuncia del juicio por jurado en esta causa.

_____ prosecutor

Approbo en la renuncia del juicio por jurado en esta causa.

_____ Juez del corte superior

[CAPTION]

NOTICE OF RIGHT TO APPEAL AND APPEAL PROCEDURE

You have a right to appeal from a final judgment of conviction, from an order denying a post-trial motion, or from a sentence which is illegal or excessive. Arizona Constitution art. 2, § 24; Arizona Revised Statutes Annotated § 13-1711 (1956).

In order to exercise this right:

1. You must file a NOTICE OF APPEAL (Form XXIV (a)) within 20 DAYS of the entry of judgment and sentence. If you do not file a notice of appeal within 20 days you will lose your right to appeal. The entry of judgment and sentence occurs at the time of sentencing. If you do not appeal you may not ever have another opportunity to have any errors made in this case corrected by another court.
2. To file a notice of appeal you should contact your lawyer, by letter, telephone or in person, telling him that you want to appeal. You can file the notice of appeal before you leave the courtroom on the day you are sentenced if you wish.
3. If you do not have a lawyer, get copies of Form V, Defendant's Financial Statement and Request for Appointment of Counsel and Form XIV (a), Notice of Appeal, either from the clerk of the court, the jail, or the prison, fill them both out and send them to the clerk of the superior court in the county where you were tried and sentenced. They must arrive at the clerk's office within 20 days after you were sentenced.
4. You should have a lawyer to handle your appeal.
5. If you want a full copy of the rules governing appeals, the clerk of the court in the county where you were convicted will send you one upon request.

RECEIPT BY DEFENDANT

I have received a copy of this notice of my right to appeal and appeal procedure.

_____ Date _____ Defendant

(CAPTION)

NOTIFICACION DEL DERECHO DE APELACION Y SU TRAMITACION

Tiene Ud. el derecho de apelar una sentencia condenatoria, o cualquier auto que le haya negado promociones posteriores al juicio, o cualquier sentencia que sea indebida o excesiva.- Constitución del Estado de Arizona, Art. 2, Fracción 24; Revisión de Estatutos Compilados del Estado de Arizona y sus modificaciones, Título 13, Fracción 1711 (1956).

Para el ejercicio de este derecho:

1. Debera Ud. presentar una NOTIFICACION DE APELACION (Forma XXIVa) dentro de los 20 días de ser ejecutoriado el fallo y sentencia. De no presentar una notificación de apelación dentro de esos 20 días, perdera su derecho de apelación. La ejecutoria del fallo y sentencia ocurre al momento de imponerse la sentencia. Si Ud. no apela la sentencia, no tendra Ud. oportunidad de rectificar, por medios jurídicos, aquellos errores judiciales que hayan habido.

2. Para ejercitar una Notificación de Apelación, debera Ud. comunicarse con su abogado, ya sea por escrito, telefono o personalmente, informandole de su deseo de apelar la sentencia. Puede Ud. iniciar los tramites de una Notificación de Apelación antes de retirarse de la Sala de Juicio en el día en que se decreta la sentencia, si Ud. opta por hacerlo.

3. En caso de no tener abogado, solicite Ud. la Forma XXIVa, Estado de Situación Económica del Acusado y Petición de Nombramiento de Abogado, y la Forma XXIII, Notificación de Apelación, en la Secretaría de la Corte, en la Carcel o en la Prisión; llene ambas formas y remitalas a la Secretaria de la Corte Superior del Condado en donde se le juzgo y se dicto sentencia. Deberan de recibirse esas formas en la Secretaria de la Corte dentro de los 20 días de la fecha en que se dicto sentencia.

4. Es preferible que un abogado tramite su apelación.

5. Si desea una copia de los reglamentos que rigen los tramites de apelación, la Secretaria de la Corte del Condado en donde se dicto sentencia condenatoria podra proporcionarsela a solicitud suya.

ACUSE DE RECIBO POR EL ACUSADO

He recibido copia de esta Notificación del Derecho de Apelación y su Tramitación.

_____ Date

_____ Acusado

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Form #16 - Translation Sample #1

[CAPTION]

Aviso del derecho de recurso a tribunal superior y manera de proceder con la apelación

Tiene usted el derecho de apelar el juicio final de su convicción, una orden rehusándole una petición después de juicio, o una sentencia que es ilegal o excesiva. [Constitución del Estado de Arizona, Art. 2, § 24; Leyes de Arizona, Revistas y Anotadas (A.R.S.) § 13-1711 (1956)].

Para utilizar este derecho:

1. Tiene que presentar un Aviso de Apelación (forma XXIV (a)) dentro de 20 días después de que se registren el juicio y sentencia. Si no presenta un Aviso de Apelación, perderá su derecho de recurso.

Se registra el juicio y sentencia al tiempo de su sentencia. Si no apela su convicción posiblemente no tendrá otra oportunidad para que otro tribunal corrija algunos errores que se hayan cometido en su causa.

2. Para hacer un Aviso de Apelación, comuníquese con su abogado, por escrito, teléfono, o en persona, y dígame que desea apelar su convicción. Puede usted hacer Aviso de Apelación antes de irse del tribunal, si así desea, el día que se le sentencia.

3. Si no tiene abogado, obtenga una copia de la forma V (Declaración fiscal del Acusado y Petición para la Designación de un Abogado), y la forma XXIV (a) (Aviso de Apelación), sea de la Secretaría de Tribunal Superior, la cárcel, o de la prisión, complete cada una y mándelas por correo a la Secretaría de Tribunal del condado donde fue ajuiciado y sentenciado. Ambas formas tienen que

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Form #16 - Translation Sample # 2

llegarle a la Secretaría dentro de 20 dias despues de que fue
sentenciado.

4. Debiera de obtener un abogado para que apele su
convicción.

5. Si desea una copia de todas las reglas que tocan el proceso
de apelación, la Secretaría de Tribunal en el condado donde fue
convicto le mandará una a su solicitud.

Recibo por el Acusado

He recibido una copia de este Aviso a mi derecho de recurso
a una tribunal superior, y procedimiento de apelación.

fecha/date

acusado/defendant

FORM XXVI (a). SUBPOENA

[CAPTION]

SUBPOENA

TO: _____

YOU ARE HEREBY ORDERED to appear at _____ a.m.
p.m. on _____

_____, 19____, at _____
(address)

and to remain there until excused by the judge conducting the
proceeding, to give testimony on behalf of _____

and to bring with you:

IF YOU FAIL TO APPEAR AS ORDERED, A WARRANT WILL BE ISSUED FOR
YOUR ARREST.

Given under my hand and seal. _____, 19____.

Clerk of the Superior Court

By _____
Attorney for party requesting Deputy Clerk
subpoena

CERTIFICATE OF SERVICE

The undersigned swears (or affirms) that he is qualified to serve
this subpoena and did so by showing the original to and informing
the witness of its contents and by delivering a copy thereof to

him at _____ a.m.
p.m. on _____ 19____, at
_____, Arizona.

Person serving subpoena

Subscribed and sworn to before me on _____, 19____.

Notary Public

My Commission Expires

XXVI (a) SUBPOENA

[CAPTION]

Orden de Presentación

A: _____
SE LE ORDENA que se presente a las _____ a.m. p.m. de _____ 19____, en _____ domicilio/address, y quedarse allí hasta que sea excusado por el Juez dirigiendo el procedimiento, para testificar en pro de _____, y también se le dirige que traiga consigo:

SI NO SE PRESENTA COMO DIRIGIDO, SE DARÁ ORDEN PARA SU DETENCIÓN.

Dado bajo mi mano y sello. _____, 19____.

Secretario de Tribunal/
Clerk of Court

abogado del partido solicitando esta orden
attorney for party requesting subpoena
por _____ secretario diputado de tribunal
deputy clerk

Certificado de Entrega

El abajo firmado jura (o afirma) que él esta capacitado para hacer entrega de esta orden de presentación y que eso ha hecho, enseñándole el original al testigo y avisándole de su contenido y entregándole una copia a las _____ a.m. p.m. del _____, 19____ en _____, Arizona.

persona que entregó la orden

Jurado y suscrito ante de mí el _____, 19____.

Notario Publico/Notary Public

se expira mi comisión

FORM XXVI (b). ALTERNATIVE FORM OF SUBPOENA

[CAPTION]

SUBPOENA

TO: _____
YOU ARE HEREBY ORDERED to hold yourself available to appear, upon 30 minutes prior notice, at any time between _____ a.m. p.m. on _____, 19____, at _____ (Address and to remain there until excused by the judge conducting the proceeding, to give testimony on behalf of _____ and to bring with you:

YOU ARE FURTHER ORDERED to state on the copy of this subpoena to be returned to the issuing party, a telephone number or numbers at which you can be reached at any time between 9:00 a.m. and 5:00 p.m. between the times noted above. Telephone numbers:

If you are unable to supply such numbers, YOU ARE ORDERED to appear at the time first mentioned above.

IF YOU FAIL TO APPEAR AS ORDERED A WARRANT WILL BE ISSUED FOR YOUR ARREST.

Given under my hand and seal. _____, 19____.

Clerk of the Superior Court
By

Attorney for party requesting subpoena
Deputy Clerk

CERTIFICATE OF SERVICE

The undersigned swears (or affirms) that he is qualified to serve this subpoena and that he did so by showing the original to and informing the witness of its contents and by delivering a copy

thereof to him at _____ a.m. p.m. on _____, 19____, at _____, Arizona.

Person serving subpoena

Subscribed and sworn to before me on _____, 19____.

Notary Public

My Commission Expires

XXVI (b). ALTERNATIVE FORM OF SUBPOENA

[CAPTION]

Orden de Presentación

A: _____

SE LE ORDENA por este mismo que se tenga listo para presentarse, con noticia de 30 minutos, a cualesquier hora entre las _____ a.m. p.m. el _____, 19____, y las _____ a.m. p.m. el _____, 19____, a _____ y permanezca allí domicilio/address

hasta que sea excusado por el juez dirigiendo el procedimiento, para que testifique en pro de _____, tambien se le ordena traerse lo siguiente:

Además, se le ordena que indique en la copia de esta misma, que se devolverá al partido causante del despacho de esta orden, el numero de teléfono o teléfonos donde se le puede comunicar a cualquier tiempo dentro de las 9:00 a.m. a las 5:00 p.m. y dentro el tiempo aquí indicado. Teléfono(s): _____

Si no puede suplir tales números de teléfono, SE LE ORDENA presentarse a la hora primeramente indicada.

Se no se presenta, se le ordenará su detención.

Dado bajo mi mano y sello. _____, 19____.

Secretario de Tribunal/
Clerk of Court

abogado del partido solicitando
esta orden
attorney for party requesting
subpoena

por _____
secretario diputado de tribunal
deputy clerk

XXVI (b). Alternative Form of Subpoena - Continued

Certificado de Entrega

El abajo firmado jura (o afirma) que él esta capacitado para hacer entrega de esta orden de presentación y que eso ha hecho, enseñándole el original al testigo y avisándole de su contenido y entregándole una copia a las _____ a.m. p.m. del _____, 19____ en _____, Arizona.

persona que entrego la orden

Jurado y suscrito ante de mi el _____, 19____.

Notario Publico/Notary Public

se expira my comision

FORM V. FINANCIAL STATEMENT

[CAPTION]

DEFENDANT'S FINANCIAL STATEMENT

AND REQUEST FOR APPOINTMENT OF COUNSEL

Instructions for the Defendant: The magistrate needs to know about your financial situation in determining whether to require you to post bond and, if so, the amount of bond. He must also determine whether or not you are entitled to have a lawyer appointed to represent you. Use care in answering the questions, for you could be subjected to punishment for contempt of court or to prosecution for perjury if you knowingly give false or misleading information.

I. Financial Statement.

1. What is your monthly income? _____
2. Do you own a home? _____ If so, give its value _____
3. Do you have any savings? _____ If so, how much? _____
4. Do you have any outstanding loans? _____ If so, how much? _____
5. Do you have any other property which is not needed by your family for day-to-day living which you could use to pay for an attorney? _____

Describe _____

Approximate value _____

II. Request for a Lawyer.

1. Do you want the court to appoint a lawyer to represent you in this case?

[] Yes [] No

If yes, answer the following:

- a. Are you able to obtain the services of a lawyer without incurring substantial hardship to yourself of your family? [] Yes [] No.
- b. Approximately how much can you afford to contribute to the cost of a lawyer to represent you in this case? _____

Form #19

Under the penalties of perjury, I declare that I have examined the above statements made by me and to the best of my knowledge and belief each and all are true and correct.

Signed _____

Date _____

FORM V. FINANCIAL STATEMENT

[CAPTION]

Informe Financiero del Acusado y Petición
Para que se Nombre Abogado Gratuito

Direcciones al Acusado: Es necesario que el magistrado sepa de su situación financiera para que pueda decidir si se le va a requerir hacer fianza, y determinar cuanto será la fianza. También se tiene que decidir si tiene usted derecho a que se le nombre un abogado para que lo defienda gratuitamente. Tenga mucho cuidado en responder a estas preguntas. Si a propósito da falsa o engañosa información, es posible que se le castigue por perjurio o desprecio de este tribunal.

I. Informe Financiero

1. ¿Cuánto dinero tiene para vivir cada mes? _____
2. ¿Es dueño de casa? _____ Si lo es, ¿cuál es el valor de su casa? _____
3. ¿Tiene algún ahorrado? _____ ¿Cuánto? _____
4. Actualmente, ¿debe algún préstamo? _____
¿Cuánto? _____
5. ¿Tiene alguna otra propiedad que no se necesita actualmente para el sostén de su familia, que se pudiera usar para conseguir un abogado? Descripción de la propiedad: _____

Valor: _____

FORM V. Financial Statement - Continued

II. Petición para abogado gratuito.

1. ¿Desea que este tribunal nombre a algún abogado para que le defienda? Si _____ No _____

-
1. Tiene derecho a que se le nombre un abogado para asistir en su defensa, gratuitamente si no puede pagar para conseguirlo. ¿Desea que este tribunal nombre a algún abogado para que asista en su defensa? Si _____ No _____
-

Si desea que se le nombre un abogado,

- a. ¿Puede obtener los servicios de un abogado sin incurrir opresión substancial para usted o su familia?
Si _____ No _____
- b. Aproximadamente, ¿cuánto puede contribuir para el costo de un abogado que lo represente en esta causa?

Bajo pena de perjurio, declaro que he examinado las respuestas dadas por mi, a las preguntas aquí propuestas, y según lo que se y entiendo, las respuestas aquí dadas son verdaderas y correctas.

Firma _____

Fecha _____

APPENDIX V

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