

*Please return to:
Lee McEwen*

Findings from the Hispanic/Latino Ad Hoc Committee

Presented to
Governor Jim Hodges,
State of South Carolina

Meetings convened and report compiled by:
The South Carolina Commission for Minority Affairs
Janie A. Davis, Executive Director



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October 16, 2001

The Honorable James H. Hodges
Governor - State of South Carolina
The State House
Post Office Box 11829
Columbia, South Carolina 29211

Dear Governor Hodges:

In accordance with your request, the South Carolina Commission for Minority Affairs has worked with persons from the Hispanic/Latino community to identify ways to better meet the needs of this growing population in South Carolina. By means of this Letter of Transmittal, I am providing you with a report entitled, "Findings from the Hispanic/Latino Ad Hoc Committee" for your consideration. The report provides information regarding the issues of concern to the Hispanic/Latino community, inclusive of advisory recommendations from the Committee members.

Thank you for the opportunity to serve in this capacity. If the Commission can be of assistance in the future, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Janie A. Davis".

Janie A. Davis
Executive Director

Enclosure

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Historical Perspective

Historical Perspective

Based upon the 2000 Census, South Carolina's population is becoming more diverse. Whether you travel to the rural areas of the State or visit one of the metropolitan areas, it is no longer the norm to see only black and white faces. Everywhere you go, you see persons from Latin America, Asia, and other countries providing services and often speaking languages unfamiliar to many South Carolinians. This report specifically focuses on the fastest growing segment of the United States population, the Hispanic/Latino community, and how that growth is also being experienced here in South Carolina.

During the Summer of 2000, Ms. Sandra Owens, Community Liaison with the City of West Columbia, met with Governor Jim Hodges to discuss the needs of the growing Hispanic/Latino population. As a result of that meeting, the South Carolina Commission for Minority Affairs was contacted by Ms. Leah Moody, Deputy Legal Counsel for the Governor's Office, and asked to facilitate discussions with the Hispanic/Latino community to identify ways to better meet the needs of this growing population. To fulfill the Commission's role, the staff identified persons from throughout the state from various backgrounds, who interacted daily or were knowledgeable about the culture, language and needs of the Hispanic/Latino population. It would be their responsibility to identify barriers to the delivery of services to this primarily non-English speaking population, and to advise Governor Jim Hodges of their needs.

The first meeting of what became known as the Hispanic/Latino Ad Hoc Committee was held on Monday, July 24, 2000. Thereafter, the Ad Hoc Committee agreed to meet monthly. After a year long process of meeting and gathering information, this report reflects the findings and recommendations of the members of the Ad Hoc Committee. This report is not intended to be the final study of this matter, but only a beginning of what should become an ongoing process to address the changing needs of the growing Hispanic/Latino population.

Special thanks is extended to all persons who served on the Hispanic/Latino Ad Hoc Committee. Whether that service was limited or extensive, your comments and contributions were appreciated.

Hispanic/Latino Ad Hoc Committee Members

Diane Bullard Catholic Charities Conway	Alex Cordero Community Service Saluda	Ruta Couet Education Department Columbia	Hector Esquivel, Esq. <i>La Isla Magazine</i> Hilton Head
Carlos Garcia La Brava 1440 AM Greenville	Cynthia Johnson Wateree Migrant Head Start Sumter	Wilfredo Leon <i>Latino Newspaper</i> Mauldin	Rev. Flor Morales Community Service York

Hispanic/Latino Ad Hoc Committee Members - continued

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Diocese of Charleston
Hardeeville

Jess Torres
Dept. of Education
Columbia

Additionally, special thanks to more than 500 persons from the Hispanic/Latino community who attended four community forums and shared information with members of the Ad Hoc Committee for the purpose of developing this report. Also, thanks goes to the many persons from state agencies and other organizations who participated on subcommittees and made many of the recommendations contained in this report.

Finally, we recognize the hard work of the staff from the Governor's Office and the Commission for Minority Affairs (CMA), who administratively supported the work of the Committee. They are:

Leah B. Moody, Esq.
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Introduction

Introduction

The term Hispanic was created by the U. S. federal government in the early 1970's in an attempt to provide a common denominator to a large, but diverse population with connection to the Spanish language or culture from a Spanish-speaking country. The term Latino reflects the origin of the population in Latin America and is increasingly gaining acceptance among Hispanics. Both terms are used throughout this report.

Over the past 30 years, the Hispanic/Latino population in the United States has exhibited tremendous growth. Hispanics/Latinos comprise about 11% of the U. S. population, including 3.6 million residing in the Commonwealth of Puerto Rico. About 31 million individuals identify themselves as Hispanics. Hispanics are projected to become the largest minority group by the year 2006.

It is anticipated that nationally, the Hispanic/Latino population will increase by 23% over the next 50 years. As projected nationally, the Hispanic/Latino population also will be the fastest growing population in the State of South Carolina. According to Census 2000, Hispanics/Latinos represent 2.36% of the State's total population of 4,012,012. This represents a 211.7% increase over the 1990 Census figures for this group. This trend is expected to continue.

Note the statistics below:

- ▶ The five counties with the largest numbers of Hispanics/Latinos are *Greenville County* with 14,283; *Richland County* with 8,713; *Beaufort County* with 8,208; *Charleston County* with 7,434 and *Spartanburg County* with 7,081.
- ▶ The five counties with the highest percentages of Hispanics/Latinos are *Saluda County* with 7.3%; *Beaufort County* with 6.8%; *Jasper County* with 5.8%; *Newberry County* with 4.2% and *Greenville County* with 3.8%.
- ▶ Jasper County had the greatest percentage change in its Hispanic/Latino population at 1,624.6%, (from 69 persons in 1990 to 1,190 persons in 2000).

With the increased numbers of Hispanics/Latinos in the State, there are increasing demands for specific services to meet the unique needs of this population. In order to meet those needs in a timely and efficient manner, the State must identify barriers in the current service system that hamper the delivery of good health care, public education and other vital services. This report attempts to identify some of the barriers and makes recommendations to assist South Carolina's transition to a multi-cultural and linguistically appropriate service delivery system.

Many of the recommendations will not be easy to implement because of the overall perception that most Hispanic/Latino persons are in the country and state illegally; therefore, they are not entitled to the same services and rights as U.S. citizens and state residents. However, the 2000 Census recorded 95,076 persons of Hispanic origin in the state. Since undocumented immigrants tended to shy away from the Census count, the majority of these individuals are presumed to be of legal status. Therefore,

as this legal population continues to grow, so will their unique service needs.

Executive Summary

Executive Summary

The Hispanic/Latino Ad Hoc Committee was formed to identify barriers in the service delivery system that hinder Hispanics/Latinos from obtaining services and having their needs met. The group identified eleven topic areas for discussion, i.e., education, health care, emergency preparedness, police and emergency services, the legal system, housing, worker rights, civil rights, fraud, immigration and motor vehicle services. The eleven topics were combined into five sections for the purpose of this report: 1) Education, 2) Health, 3) Public Safety, 4) Human Rights, and 5) Immigration, Transportation and Fraud.

Regardless of what topic was being discussed by the members of the Ad Hoc Committee, the language barrier issue by far permeated the discussion. The lack of bilingual staff personnel, who are culturally and linguistically competent to provide services to this limited English proficient population, was identified as a major barrier to obtaining quality education, needed health care, emergency services, and many other basic services taken for granted by most persons. Not being able to understand each other consistently led to problems in delivering services, as well as, obtaining available services. Also, the language barrier issue increases the potential for liability, especially in the areas of health care and emergency services. Therefore, the hiring of qualified and certified bilingual persons who are culturally and linguistically competent is a must for the state. In addition, the establishment of and funding for educational programs, to train qualified and competent interpreters and translators, was identified as a critical need.

The second most important issue and barrier faced by most Hispanic/Latinos are their immigration status in this country. There is a perception that most persons of Hispanic origin are in the country and state illegally. When they seek services, they are often met with suspicion. Therefore, whether a Hispanic/Latino person is in the country legally or not, depending upon one's appearance and accent, that person stands a good chance of receiving unequal treatment and being subjected to closer scrutiny when seeking a driver's license or other state services. The decision regarding who will possess a valid South Carolina driver's license is currently affected by one's immigration status. The Ad Hoc Committee supports the issuing of a valid South Carolina driver's license to persons who can demonstrate a competency to drive, regardless of their immigration status.

A third common barrier was attitude, on the part of those delivering the services, as well as those seeking services. Hostility toward Hispanics/Latinos persons seeking services at some state agencies appeared to be a common problem. In turn, Hispanics/Latinos often responded with frustration and hostility. Therefore, there is a real need for the state to provide cultural competency training for all front line customer service personnel, as well as management personnel. As stated earlier in this report, there were 95,076 persons of Hispanic origin counted in the 2000 Census. These individuals are believed to be legal residents of South Carolina, who are entitled to the same rights and privileges as other persons, regardless of their national origin.

Finally, the group identified the lack of standardized statewide data collection as a major barrier to public policy decision-making and research. The state should require that all state agencies obtain and maintain information by race and ethnicity. A standardized system of data collection is needed

throughout state governmental agencies so that information can be easily compared and analyzed across agency lines.

More specific advisory recommendations of the Ad Hoc Committee are included under each section of this report. The costs of implementing many of the advisory recommendations have not been determined. That is the next logical step to be taken in this process. However, where a recommendation can be implemented with minimal cost, the Committee supports the immediate implementation of such.

In conclusion, Hispanic/Latino persons coming to South Carolina are coming because of "jobs" and this migration is expected to continue as long as employers are receptive to hiring Hispanics/Latinos. Therefore, members of the Hispanic/Latino Ad Hoc committee strongly advise that any future State laws and policies advance equal opportunities for all persons, regardless of their national origin or immigration status.

Education Section

Education Issues

When looking at the overall issue of education within the State of South Carolina, it is important to consider the impact of the growth of the Hispanic/Latino population. According to the South Carolina Department of Education, during the 1998-99 school year, districts reported 3,226 **Limited English Proficiency (LEP)** students. During the 1999-2000 school year, there were some 5,528 LEP students enrolled in the 86 school districts. Of this number, 4,123 were Hispanic and spoke Spanish as their primary language, while the remaining 1,405 students spoke languages representing 58 variations. In a 2000-2001 survey, districts reported 5,525 LEP students according to the State Department of Education. At present, these numbers may appear small, but these numbers currently add strain to the already limited educational resources of the districts. However, as the Hispanic/Latino population increases, the State Department of Education and local school districts must adequately prepare themselves to address the specific educational needs of LEP students.

After a group process of determining educational issues, problems, barriers, and concerns, the following priority areas were identified: 1) language barriers, 2) barriers to services, and 3) poor communication within the system.

With regards to the education system, it is important to understand that without a good grasp of the English language, it is very difficult to enroll a child in school at any age. Language barriers hinder parents from understanding the need to provide early education either at home or through day care programs. Language barriers hinder parents from addressing early immunization and other healthcare issues that must be taken care of before a child can be enrolled in public schools.

Barriers to services, such as some school districts requiring that a child have a Social Security Card in order to enroll in school or that they must provide their own transportation to get to services especially established for LEP students, and other issues must be addressed from a statewide prospective, as well as by local school district policy. This leads to a need for better communication within the educational system to ensure that LEP students across the state obtain quality education that will assist them in becoming productive individuals.

These issues and others must be addressed or they will continue to cause interruptions in the learning process. Education is key to alleviating poverty and deprivation. Persons immigrating into the United States and to South Carolina will develop into two very distinct kinds of people if attention is not given to this matter. Immigrants will either become drains on the welfare and tax systems within the state or if properly educated, they will develop into productive bilingual workers who will benefit the state's economy and society.

After consulting with parents, teachers, students, outreach workers, community members, regional task force groups and staff from the State Department of Education, the Hispanic/Latino Ad Hoc Committee agrees that the following concerns need the attention of state leaders and Governor Jim Hodges.

Educational Issues:

1. Students are often required to travel long distances within the district to take advantage of programs entitled **English for Speakers of Other Languages (ESOL)**.
2. The grade assignment and placement of LEP students are often based on grouping students with LEP in the same class to serve as interpreters for each other.
3. LEP students are often grouped together rather than on various grade levels, therefore students may actually be assigned to the wrong grade intentionally.
4. ESOL programs often do not receive necessary funding. In fact, these specialized programs do not receive any state funding. This lack of funding leaves the programs understaffed and lacking necessary books and supplies.
5. Interpreters are often not available, and when they are, they often are not utilized for parent conferences and for special education meetings.
6. Schools often do not utilize state resources made available to them to meet the needs of LEP students, i.e. TransACT Software made available to the school districts by the State Department of Education for interpreting and translating forms and educational documents. This results in:
 - a) parents and students being unaware of school policies usually referenced in student handbooks that are written in English only;
 - b) parents of LEP children having difficulty completing emergency medical cards and other vital information that are required for each student;
 - c) school lunch cards used to qualify students for free and reduced lunch not being translated into other languages; therefore, students that would qualify often go hungry during the school day. Additionally, the social security number is oftentimes requested but is not a requirement. A simple explanation of the proper way to complete the card (even without a social security card) would allow many more children to qualify for the program.
7. It is difficult for school systems to address special education requirements for LEP students because of the language barrier. Therefore, the special education requirements are often ignored for LEP students. There is a lack of adequate educational accommodation for Hispanic/Latino students who have unique educational needs.
8. Currently, state testing programs do not allow students to be tested in their primary language. Students can be exempted from testing for up to three years, which includes the exit exams, that are required for high school diplomas. Therefore, parents, students and school officials postpone testing until it absolutely has to be done, which further exacerbates the problem, if the school district has done a poor job providing English for Speakers of Other Languages (ESOL).

9. Language barriers often lead to retention and graduation postponement for LEP students.

10. There is a general lack of bilingual personnel at the district level and in schools. There is a lack of bilingual home-school liaisons.

11. Teachers and school districts are often unfamiliar with the cultural differences that exist among the Hispanic/Latino population. These differences often lead to misinformation and lack of clear communication. Some of the problems associated with this issue are:

a) cultural differences in how children's names are recorded interfere with consistent record-keeping;

b) there is a lack of adequate staff development on the local district level, which makes teachers and staff culturally insensitive to the specific needs of children; and

c) lack of teachers with Spanish speaking capabilities.

12. School staffs are often not aware of the laws that surround the issues of ESOL and LEP students. Families enrolling children are often turned away by school staff who are not familiar with current enrollment requirements under the law.

13. There is a lack of monitoring of school districts to ensure that all rights under the law are being afforded LEP students.

14. Available services for LEP students vary by district. Many smaller, rural districts, which often have a high enrollment of Hispanic/Latino children, have difficulty adhering to the current requirements of the law. Because of this, they often ignore the laws choosing to address the need when complaints are made.

15. Some school districts list available services on the State Department of Education Report Forms, but do not actually offer the services.

16. The State Department of Education Office of Foreign Languages and English for Speakers of Other Languages (ESOL), which responds to inquiries related to Hispanic/Latino issues, is understaffed and not equipped to handle all of the intricacies of meeting the educational needs of Hispanic/Latino children.

17. Families from other cultures often are not aware of the requirement that children attend school through age 17. As a result, parents fail to send children who have LEP.

18. Lack of capturing information by race and ethnicity for the purposes of future reporting and research.

Advisory Recommendations - Education:

The members of the Ad Hoc Committee advise that the State Department of Education should:

- 1. Provide appropriate and qualified staffing to coordinate policy matters, monitoring, reporting and technical assistance needed to serve the needs of seasonal, migrant, and resident Hispanic/Latino children.*
- 2. Offer the following assistance:*
 - a) advocacy services for Hispanic/Latino parents and their children;*
 - b) link children with available educational services;*
 - c) work with school districts to develop and utilize appropriate means and standards to address specific needs of Hispanic/Latino children to include promotion/retention policies for LEP students and appropriate use of translators;*
 - d) educate school districts about the current availability of school forms in Spanish and the availability of computer software to translate district forms;*
 - e) operate a hotline where teachers, parents, students and community members can anonymously report and request assistance for school districts who violate LEP requirements; and*
 - f) monitor school districts to ensure that all rights under the law are being afforded non-English speaking students.*
- 3. Address language barrier issues as required by the Accountability Act of 1996.*
- 4. Study culturally sensitive testing and investigate how other states have handled language barriers in regards to testing.*
- 5. Research and acquire appropriate assessments in Spanish.*
- 6. Require all school districts to distribute and use the TransACT software information among all schools within their districts.*
- 7. Monitor the use of the TransACT system with regards to all South Carolina school districts.*
- 8. Require all schools to have translated forms available for parents of LEP students in the school office.*
- 9. Require all school districts to encourage their teachers to utilize the TransACT system software,*

when appropriate.

10. Require staff development and training for staff at the school district level related to addressing the needs of LEP students.

11. Send school districts directives on how to consistently record children's names using a hyphen and audit schools periodically to ensure their compliance.

12. Require all school districts to develop a Child Find Plan in order to determine the number of LEP children in the district and provide services for LEP students.

13. Require all districts to follow the Child Find District Plans and to submit their plans to the State Department of Education.

14. Increase funding for ESOL programs and for school districts that work with LEP students. Increase funding for all educational programs within school districts that develop and implement plans to address educational concerns for ESOL children.

15. Investigate and follow-up on all complaints filed against Title I schools which receive federal funding to provide services to LEP students.

16. Require school districts to have employed qualified bilingual staff to carry out home visits and to serve as school liaisons to meet the needs of families with LEP.

17. Recommend that local districts consider the feasibility of having school registration for LEP students at one location so that community-based organizations serving this population can assist schools with this process and get appropriate information to parents.

18. Recommend to school districts that for the first three months of school, additional part-time bilingual counselors be hired to insure that students get proper placement in classes early on and do not fall behind.

Health Section

Health Issues

More than 50 persons from across the State formed the Health Issues Subcommittee to discuss ways to improve the delivery of health care services to persons of Hispanic origin. The subcommittee was made-up of persons from health care organizations, community-based organizations, and health care providers.

After a group process of determining health issues, problems and concerns, the following priority areas were identified: 1) language barriers, 2) cultural competency, 3) barriers to services, 4) lack of data, and 5) immigration and social issues. The subcommittee noted that these five priority issues cut across the wide range of specific health and illness issues within the South Carolina Hispanic population, such as diabetes, hypertension, cancer, heart disease, prenatal care, occupational health and communicable diseases. The consensus of the subcommittee was that rather than focusing efforts on specific health issues at this point in the process, the basic issues surrounding the five priority areas listed above must first be addressed from a systemic perspective so that appropriate quality care can be delivered.

Clearly, communication directly impacts the degree and quality of services provided to users and delivered by providers. When parties do not communicate and understand at a level that guarantees quality service, it puts both the provider of services and the users of those services at-risk for health care system failure. Such failures could range from mis-diagnosis to death and could lead to costly litigation.

Failure of health care providers and organizations to understand and consider cultural norms can impact the effectiveness of service delivery and the acceptance of services by a community. Trust must be developed and nurtured by acknowledging differences and developing systems that accommodate differences.

When persons seek health care services and are confronted at every turn with barriers that often keep them from obtaining services, they soon disengage from the process. Common barriers identified during these discussions included: 1) lack of knowledge by Hispanics regarding how to obtain insurance; 2) lack of insurance; 3) lack of knowledge regarding what services are available, when they are available, and to whom are they available. Additionally, lack of transportation to access local services was identified as a major impediment to obtaining services.

Several cross cutting issues, such as lack of available data on Hispanics, immigration status and social issues also surfaced. Additionally, across the state, public and private health services traditionally do not keep data by ethnicity, therefore, making epidemiological data not easily available on Hispanics/Latinos at the local or state level. Even with immediate attention to this matter, it will be several years before good comparative data is available to health care providers, planners and policy makers to use in shaping health care policies affecting Hispanics.

A persons' immigration status affects every aspect of life. For example, it was stated that some providers have concerns about serving the Hispanic population because they fear that they will not be

able to recoup service fees, which goes back to a lack of knowledge by providers of what rights and services should be available to persons regardless of their immigration status. Hospital staff and persons seeking services, oftentimes are not up-to-date on federal laws and what rights are afforded persons regardless of their immigration status in the United States. Issues related to immigration include lack of current, reliable information regarding eligibility and access to public and private insurance, both on the part of the Hispanic/Latino population and health care providers. Additionally, practices which violate the United States Department of Health and Human Services guidelines for providing Culturally and Linguistically Appropriate Services (CLAS) include requiring patients to pay for interpreter services, refusing to care for patients who do not provide interpreters, and not having forms and information in Spanish.

As a result of the work of the Health Subcommittee, there was consensus that educating health and human service providers is critical and that a plan must be developed outlining how to deliver services in a culturally and linguistically appropriate manner. The group agreed that a statewide comprehensive strategy, inclusive of community-based organizations and state agencies, including executive and legislative leadership is needed to bring about necessary change.

Advisory Recommendations - Health:

- 1. Active support by the Office of the Governor and all relevant health and human services state agencies, hospitals, and other health care delivery organizations, for the statewide adoption and implementation of Culturally and Linguistically Appropriate Services (CLAS), as mandated by the United States Department of Health and Human Services, in accordance with Title VI of the Civil Rights Act of 1964, as amended (See Appendix).*
- 2. Active support by the Office of the Governor and all relevant health and human services state agencies, hospitals, and other health care delivery organizations, for meaningful access to health care for Limited English Persons (LEP) through the statewide adoption and implementation of (Executive Order 13166, August 11, 2000).*
- 3. That the responsibility for coordination and compliance with Recommendations 1 and 2 be coordinated through the joint work of the South Carolina Department of Health and Human Services (DHHS), the Department of Health and Environmental Control (DHEC), the South Carolina Commission for Minority Affairs (CMA), the Office of the Governor, and community based organizations.*

Coordination is necessary to reach public and private health care providers who (1) receive federal funding or (2) see patients who receive federal funding. To this end:

- ▶ Implement a continuous statewide educational program regarding (1) the National Standards on Culturally and Linguistically Appropriate Services (CLAS) in Health Care and (2) Executive Order 13166 (LEP). The training should be targeted toward key state agency administrators, public and private health care executives and administrators, personnel from professional*

associations (e.g. medical, pharmaceutical, nursing, insurance, hospital associations). In addition to presenting CLAS/LEP standards, the program should present strategies and resources for increasing compliance.

- ▶ *Conduct a statewide assessment to identify availability and distribution of resources needed for compliance with CLAS/LEP standards.*
- ▶ *Implement a statewide monitoring system to ensure implementation and accountability of CLAS/LEP standards.*

4. *That the South Carolina Commission for Minority Affairs serve as the clearinghouse for all information related to the Latino/Hispanic population and that the Commission receives from the following organizations such information that is needed to fulfill its responsibilities under these recommendations:*

- ▶ *South Carolina Department of Health and Environmental Control - Office of Minority Health*

That information regarding health disparities and other relevant information be compiled by the South Carolina Department of Health and Environmental Control - Office of Minority Health and be made available to the South Carolina Commission for Minority Affairs, upon request.

- ▶ *South Carolina Department of Health and Human Services*

That information regarding health disparities and other relevant information be compiled by the South Carolina Department of Health and Human Services and be made available to the South Carolina Commission for Minority Affairs, upon request.

- ▶ *Budget and Control Board - Office of Research and Statistics*

That the Budget and Control Board - Office of Research and Statistics compile and make available to the South Carolina Commission for Minority Affairs all health data related to the Hispanic/Latino population available through the 2000 Census and any subsequent updates.

5. *That the three organizations compile one comprehensive report related to the health and socioeconomic status, and other related matters regarding the Hispanic/Latino population in South Carolina, with the first publication being made available July 1, 2003, followed by revised publications on July 1, 2006 and July 1, 2009.*

6. *That both the South Carolina Commission for Minority Affairs and the Office of Minority Health be provided adequate funding to employ qualified bilingual personnel knowledgeable of the Hispanic/Latino population and its culture.*

7. That the Office of Minority Health continue its health initiatives with regards to migrant and seasonal workers, while continuing to expand it's efforts to address the health needs of the growing Hispanic population.

8. That the Office of Minority Health should continue to provide leadership and collaborate with community based and other organizations to procure additional resources and external funding for Hispanic/Latino health initiatives.

9. That the findings of the South Carolina Statewide Hispanic Health Needs Assessment, published by the South Carolina Department of Health and Environmental Control and other reports and documents, be used to advance policy and implement initiatives to identify and address prenatal care access and other priority health needs of the Hispanic/Latino population.

10. That the Office of the Governor support the participation of state agencies in the South Carolina Hispanic Health Coalition, especially those agencies designated in the state budget as Health and Human Services providers.

Public Safety Section

Public Safety Issues

Members of the Public Safety Subcommittee were tasked with identifying and making recommendations to address various issues and concerns related to public safety. The Subcommittee addressed four broad areas related to public safety, i.e., 1) Law Enforcement, 2) Emergency Services, 3) Emergency Preparedness, and 4) the Legal System.

The group set out to identify problems under each area and to recommend specific short and long term solutions. Common across all topic areas was a lack of hard data needed to substantiate the severity of the problems. It was suggested that the lack of record-keeping by Hispanic origin and/or ethnicity makes it hard to convince public officials of the need to act immediately to create and implement revised policies and procedures, and various new program initiatives.

As has been stated in other sections of this report, the language barrier was identified as a major impediment when interacting with various segments of the Public Safety community. Many Hispanics do not speak English and have a very difficult time communicating with persons representing law enforcement, emergency services, emergency preparedness and the judicial system. Front line personnel, such as dispatchers and telecommunication workers are oftentimes not fluent in Spanish or other languages. As a result, many services (especially emergency services) that are easily accessible to English speaking persons, are not easily obtained by non-English speaking persons. When front line workers, those up the chain of service delivery and those needing the services are unable to communicate, once again we risk total system failure. Persons are disengaged from basic services and when multiplied throughout the entire Public Safety arena, it has the potential for catastrophic results. The communication problem multiplies itself, in that it permeates the entire system beginning with the first point of contact to the last person, be it police officers, court personnel or criminal justice staff.

Language is not the only barrier. In many cultures, there is no distinction between the police and the military. The cultural difference can lead to serious misunderstandings. Depending upon the country of origin, there is often a general mistrust of the police, resulting in a reluctance to report crimes and victimization.

The remainder of this report attempts to identify problems, issues and concerns by various areas, followed by specific advisory recommendations.

PUBLIC SAFETY (LAW ENFORCEMENT)

Law Enforcement Issues:

1. Most law enforcement officers do not speak Spanish. Therefore, they are unable to provide the Miranda Rights in Spanish. Lack of reading proficiency, by alleged violators, of both written English and Spanish compounds the problem.
2. Persons being read their Miranda Rights oftentimes do not understand their rights because such

rights are foreign based upon their country of origin.

3. Ethnic profiling of Hispanic/Latino persons.

4. Uniform Traffic Tickets do not have a block or space for identifying the ethnicity of the person cited or arrested. This hinders attempts to gather statistical information on the race and ethnicity of traffic violators. It also makes it harder to identify when "ethnic profiling" and "piling up of charges" are occurring.

5. Improperly reported race and national origin information on Police Incident Reports and Victim Rights Forms. This may hamper the accuracy of the Uniform Crime Report produced by the State Law Enforcement Division (SLED). For example:

On the Police Incident Report, there is a block for the officer to identify the ethnicity, if the person is Hispanic. Some law enforcement officers are confused about this use and erroneously place the "H" that is required in the ethnicity block in the Race block instead, which then is defaulted by the system to Caucasian/White in the Uniform Crime Report. Therefore, Hispanics who consider themselves African American or some other race may show up in the report as Caucasian/White.

Victim Rights Forms normally do not contain blocks or spaces for a person's sex, race or ethnicity. Therefore, this information needs to be systematically captured in a uniform manner.

6. Limited statistics are available concerning the Hispanic/Latino populations. This is attributed to the lack of uniformity and accuracy in reporting information. More information is needed concerning perpetrators of crime, victims of crime and the nature of the crime. For example, the group felt it important to determine how many Hispanics are issued citations for driving without a valid South Carolina Driver's License. Additionally, how many Hispanic drivers are involved in accidents per year and how many of those drivers are driving without a valid South Carolina Driver's License? Such information is not readily available.

7. Lack of funding for law enforcement officers and personnel to take survival Spanish for emergency situations, especially in the smaller jurisdictions. Often when courses are available, there are no funds to send personnel for the training.

8. Biased stereotypes against Hispanics and assumptions due to lack of understanding cultural differences.

9. Lack of access to 911 emergency services for Spanish speakers, thus placing many of them in danger.

Advisory Recommendations - Law Enforcement:

- 1. Law enforcement should recruit and hire qualified bilingual personnel for various law enforcement positions to ensure appropriate staff coverage and support, i.e., law enforcement officers, front line personnel such as dispatchers and telecommunication workers.*
- 2. Cultural competency and sensitivity training should be required for all public safety personnel. Additionally, strengthen the content of cultural diversity training currently being provided by the South Carolina Criminal Justice Academy. Require a set number of course hours related to the subject of racial and ethnic profiling.*
- 3. The State should make available through the South Carolina Criminal Justice Academy the following printed and recorded materials for use by law enforcement officers from across the State:*
 - ▶ Copies of the Miranda Rights and Acknowledgment of Rights Forms translated in Spanish. Additionally, all law enforcement officers should have available a pre-recorded version of the rights to play for persons who do not speak or understand written English, i.e., explaining in detail the Miranda Rights and the Acknowledgment of Rights Forms.*
- 4. The State should create a point of contact in the State system for persons who have questions about their legal rights. This point of contact would provide general information regarding how to navigate one's way through the public safety, judicial and criminal justice systems. The agency would provide a 24 hour hot line to answer questions and refer people for appropriate assistance. Staffers must be bilingual and familiar with the State's public safety, judicial and criminal justice systems.*
- 5. Support legislative efforts to pass a bill requiring local police departments to have on staff someone to advise all detained persons of how to obtain the services referenced in the Miranda Rights. This service should be provided to all persons regardless of their national origin. Examples of assistance needed includes understanding the bond hearing process, how does one obtain a bond, when to call for an attorney, etc.*
- 6. Support additional funding for the State Prosecution Commission efforts to retrain law enforcement officers and personnel, and victim rights advocates in the correct way to accurately complete Incident Reports and Victim Rights Forms to reflect ethnicity.*
- 7. Add blocks or spaces for the identification of race, sex and ethnicity of victims on Victim Rights Forms. Add blocks or spaces for the recording of ethnicity on the Uniform Traffic Ticket forms.*
- 8. Support that standards be set for statewide data collection on crime. South Carolina needs a consistent process for gathering race and ethnic information about crime victims and offenders. Additionally, support of House Bill 3963 is strongly recommended.*
- 9. Support efforts to legislatively require law enforcement officers and personnel, dispatchers,*

victim's advocates and first responders to take survival Spanish courses.

10. Develop Basic Spanish courses for law enforcement officers and personnel, dispatchers and first responders.

11. Assist law enforcement agencies with obtaining funds to allow them to provide appropriate training across the State.

EMERGENCY SERVICES (FIRE, EMERGENCY MEDICAL SERVICE (EMS))

Emergency Services Issues:

1. EMS and fire departments don't all have brochures and other life saving information printed in Spanish.
2. EMS and fire departments do not have employees that represent the diversity of the community.
3. EMS and fire departments lack Spanish speaking first responders.
4. Fire departments across the State are not consistently making fire safety and child safety literature and community lectures available in Spanish.

Advisory Recommendation - Emergency Services:

- 1. That the State of South Carolina should develop and make available to EMS and fire departments, printed safety information for distribution at the local level, in various languages, based upon the nationalities represented in the community.*
- 2. That the State should require state agencies to provide brochures, pamphlets and other information to community based organizations that serve the Hispanic/Latino population.*
- 3. Current employees should be trained to speak survival Spanish, and state agencies should recruit and hire more qualified bilingual employees.*
- 4. EMS and fire departments should be required to provide survival Spanish and Cultural Diversity Training.*
- 5. Provide community workshops in Spanish to include topics related to fire safety, smoke detectors, seat belts and child restraints.*

EMERGENCY PREPAREDNESS

Emergency Preparedness Issues:

1. Lack of information in Spanish during a natural disaster or other public safety emergency, i.e., tornado, chemical explosions or spills, etc.

Advisory Recommendations - Emergency Preparedness:

*1. That the State Office of Emergency Preparedness be required to provide information to the local offices of Emergency Preparedness in Spanish for further distribution at the local level in Spanish. Additionally, it is recommended that the State Office of Emergency Preparedness contact both **Univision and Telemundo** in Miami, Florida to broadcast information on satellite television.*

2. That local offices of Emergency Preparedness have at least one qualified bilingual person on the team to coordinator, translate and provide information in Spanish to the local Hispanic/Latino community.

3. Emergency advisement programs on television should add a small caption in Spanish under the present warning alarm system indicating potentially dangerous weather conditions such as tornadoes and hurricanes or other natural disasters.

4. The State should develop a contract with several radio stations from across the State to insure complete coverage area for emergency notification in Spanish. The station information should be made available to all Catholic Churches, the Red Cross and organizations serving the Hispanic/Latino community.

5. Listing telephone numbers with the media during emergencies where Spanish only speaking persons can call to receive information, such as the location of shelters, evacuation routes, etc.

6. Bilingual interpreters should be recruited and put on stand-by to make public service announcements in Spanish on television and radio.

LEGAL SYSTEM

Legal System Issues:

1. Interpreting from English to Spanish is a special skill and merely because a person is bilingual in English and Spanish does not necessarily mean that he or she is qualified to interpret.

2. The state has no program to certify and/or determine the qualifications of interpreters used in the state courts.

3. There is no registry of approved interpreters available to all state courts throughout the State.
4. Courts do not require that certified and/or qualified interpreters be available for non-English speaking parties or witnesses.
5. Many Hispanics are unaware of legal requirements and rights relating to issues, such as housing, education, health, victim's rights, immigration, and civil rights.
6. Many Hispanics do not have access to the services of lawyers and are not aware of their right to a court-appointed attorney in a criminal proceeding.
7. Hispanics are often denied their legal and civil rights, although the courts have recognized that a person, who has "ties with the community" is entitled to the same treatment as a US citizen. See US vs. René Martin-Urquidez. 494 US 1092 (1960)

Advisory Recommendations - Legal System:

1. *The Division of Court Administration should select a qualified office, such as the Spanish Department of one of the colleges or universities in the State, to develop standards for certification and qualification of interpreters.*
2. *The Division of Court Administration of the Supreme Court should establish a registry (database) of interpreters, indicating whether they are certified and/or qualified and make it available to courts throughout the State.*
3. *Courts should be required to provide interpreters for non-English speaking parties and witnesses in criminal and civil proceedings.*
4. *The State should identify an office to be responsible for coordinating a series of workshops to educate Hispanics on requirements and rights regarding the following topics: housing, education, health, victim's rights, immigration, and civil rights.*
5. *Materials should be translated and provided for distribution in the Hispanic community regarding the topics listed in 4 above.*
6. *The South Carolina Bar should be encouraged to maintain a list of attorneys who are Hispanic or Spanish-speaking and make this list available for distribution in the Hispanic community.*
7. *Public defender offices should hire qualified bilingual staff as the diversity of the community determines the need.*
8. *Government employees who serve the public should be directed to provide the same treatment to Hispanics as they provide their other clients.*

Human Rights Section

Human Rights

In the final process of compiling this report, several areas of discussion were combined under the general area of Human Rights. The topics discussed under this section basically addresses how we as human beings treat others regardless of their legal status in this country or state. Three areas are discussed under this section: 1) Worker's Rights, 2) Civil Rights, and 3) Housing.

Out of all of the areas of study, the topics discussed in this section were perhaps the most difficult to define in any quantitative manner. This is perhaps the case because many persons who are mistreated don't report their mistreatment to state or federal regulatory agencies because of fear of deportation and/or they are not aware of their rights under the law, regardless of their immigrant status in this country. What is reported in this section are issues and advisory recommendations based upon the comments from persons speaking at local meetings and persons who provide services at the grassroots level to the Hispanic/Latino community.

Worker's Rights Issues:

1. There is a misconception among the Hispanic/Latino community and employers that illegal aliens are not covered by the State Workers' Compensation Laws.
2. Because many workers do not speak English and are not made aware of wage and hour laws, they are often taken advantage of in the work place by employers who require them to work long hours without overtime pay.
3. Undocumented workers who are hurt on the job are often told by the employer that they have no administrative remedy.

Advisory Recommendations - Worker's Rights:

1. *The State Workers' Compensation Commission should train and/or hire qualified bilingual personnel to oversee educating employers and the Hispanic/Latino community about the Worker's Compensation Law and who is covered.*
2. *State legislation should be passed requiring all employers, both public and private, to display worker's rights, wage and hour information, and other employment information in English and Spanish.*
3. *Fines for employers who fail to pay proper compensation to worker's who work overtime should be levied in accordance with state law.*
4. *The State Worker's Compensation Commission should run television and radio spots in Spanish on Univision and Telemundo satellite channels twice yearly, to make the Hispanic/Latino populations aware of their rights.*

Civil Rights Issues:

1. Persons believe they are being treated unfairly in the work place because of their national origin and Spanish dialect.

Advisory Recommendation - Civil Rights:

1. *The South Carolina Human Affairs Commission should run television and radio spots in Spanish on **Univision** and **Telemundo** satellite channels twice yearly, to make the Hispanic/Latino populations aware of their rights under Title VII of the 1964 Civil Rights Act and the South Carolina Human Affairs Law.*

Housing Issues:

1. Hispanic/Latino persons are often taken advantage of by land lords, who rent rundown housing by per person occupancy. One example was given of a group of six men that were charged \$200 per person to live in a rundown mobile home. The slum lord was making \$1,200.00 a month by exploiting these individuals.

Advisory Recommendation - Housing:

1. *The State Housing Finance and Development Authority, in collaboration with local housing authorities, should conduct a comprehensive study of the rental housing community, to determine the extent of the problem and make recommendations to Governor Hodges for addressing substandard housing.*

Immigration, Transportation and Fraud Section

Immigration, Transportation and Fraud Issues

No topic stirred more controversy than the discussions held regarding immigration, transportation and fraud. The Ad Hoc Committee discussed these topics at three consecutive meetings before ever moving forward to look at other issues.

As it relates to immigration, research conducted during the writing of this report revealed that a person who comes to this country by illegal means or stays beyond their approved visitation period, has a good chance of remaining in this country undetected or ignored. Information obtained from the United States Department of Justice - Immigration and Naturalization Service (INS), indicated that the cost of capturing and deporting every illegal immigrant would require a massive INS federal budget. Therefore, INS's stated policy regarding illegal immigration is to focus their attention on the deportation of the "criminal element" rather than addressing the status of all "illegal immigrants." Note the distinction - "criminal element" verses "illegal immigrant." This policy has tremendous consequences for state and local governments, who must provide state and local services, regardless of one's immigration status.

With that said, the most controversial topic discussed by the Ad Hoc Committee was the issue of whether "illegal immigrants" should be allowed to obtain a South Carolina Driver's License and have driving privileges in the state. The committee agreed that having a driver's license and having access to transportation were basic necessities of daily living, especially because of South Carolina's lack of mass transit and its mostly rural landscape. Additionally, it is commonly accepted by social scientist that poverty is exacerbated when individuals do not have access to transportation. Transportation is key to obtaining and seeking employment. Transportation allows one to access educational opportunities for oneself, as well as members of one's family. Health care becomes accessible when one has transportation to attend medical appointments for self, as well as members of the family.

With it being generally accepted that one needs transportation in this state to prosper, why would so many people question the appropriateness of issuing driver's licenses to our newest Hispanic/Latino immigrants. The answer goes to the heart of the issue, that being one's illegal immigration status, i.e., entering this country by illegal means or staying beyond the time approved for visitation to this country. Many feel that to afford "illegal immigrants" the same rights and privileges as legal U.S. citizens and South Carolina residents amounts to awarding "lawlessness" and sends a message that we welcome "illegal immigrants." On the other hand, those who support making such concessions, as was the position of the members of the Ad Hoc Committee, see such a move as recognizing current federal policy as currently being implemented by the INS. Also, the members of the Ad Hoc Committee see it clearly as the humane thing to do.

Another concern regarding the driver's license issue was whether the State Department of Public Safety, Office of Motor Vehicle Services was overstepping its statutory authority by requiring persons to show a social security number when making application for a driver's license. Persons from the Hispanic/Latino community contend that the state statute allows discretion in the application of the social security number requirement. However, long-standing policies of the Office of Motor Vehicle Services adversely impacts the chances of Hispanics/Latinos obtaining a South Carolina driver's

license because of the requirement to provide a social security number. Members of the Ad Hoc Committee support the relaxing of the requirement. However, officials from the Department of Public Safety have indicated that relaxing of the policy is unlikely because of state and federal reporting requirements placed on the agency. Additionally, the agency takes the position that it was never the intent of the state to issue South Carolina driver's licenses to "illegal immigrants." During the last session of the General Assembly, several pieces of legislation were introduced to amend current state statutes to clearly make issuing of a state driver's license to an "illegal alien," using the language of the proposed statutes, unlawful in the State of South Carolina. If the legislation passes in the upcoming session, the matter would be resolved for the time being.

Because of the need to provide documentation in order to receive certain services from governmental, health, and other service providers, an illegal market for the production of fraudulent documents has thrived in the state. Fraudulent driver's licenses, birth certificates, and other false documents are commonly confiscated by law enforcement officers and other governmental employees. Persons who support the issuance of driver's licenses to illegal immigrants suggest that this fraudulent market could be curtailed if immigrants, regardless of their status, were allowed to obtain valid documents, such as a state driver's license.

As stated in the outset, the members of the Ad Hoc Committee had much discussion regarding these issues. They determined that the matter is clearly in the hands of members of the General Assembly and the Congress of the United States. As the final touches were being added to this report, The State Newspaper printed an article on Tuesday, July 17, 2001 about "a plan that could grant legal status to up to 3 million Mexicans living in the United States." The plan is being weighed by the Bush administration and represents one of the largest amnesty programs ever considered. If the plan gains the support of President Bush and enough members of Congress, many of the issues related to the need for fraudulent documents would be addressed for Mexican immigrants. As U. S. citizens, they would be able to apply for a South Carolina driver's license as long as they complied with other requirements as set forth by the Department of Public Safety.

Regardless of the outcome of the efforts at the federal level, South Carolina will still need to establish its own policy regarding how to address its growing immigrant population. Regardless of their immigration status, legal or illegal, Hispanics/Latinos will continue to come as long as employers are willing to provide work. This new population will need the same education, health care, public safety and other services afforded to resident South Carolinians. How South Carolina pays for these services remains to be determined.

In conclusion, the members of the Ad Hoc Committee advise consideration of the following recommendations:

1. *That the State of South Carolina follow the lead of the INS and focus its attention on the "criminal element" as oppose to all "illegal immigrants."*
2. *That any future State policies and laws advance equal opportunities to all immigrants who desire to settle in South Carolina.*

3. That the State support the issuance of the South Carolina Driver's License to any person who can demonstrate ties with the community and a competency to drive, regardless of their immigration status.

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