

Lost in Translation: How Expedited Courts Silence Spanish-Speaking Defendants



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Abstract

This research explores misdemeanor court processes across the Second Judicial Circuit in North Florida. The study aims to uncover any inequities or due process failures with a focus on Hispanic immigrants with limited English proficiency. The study focuses specifically on access to counsel, informed plea decisions, and understanding of potential collateral consequences. The motivation for this research stems from the researcher's firsthand observation of courtroom sessions where many Spanish-speaking defendants were observed to have pled guilty or accepted unfavorable terms due to the language barrier and lack of an appropriate interpreter. Additional qualitative findings included inefficient case handling, rushed proceedings, and use of untrained family members to stand in as interpreters. Statistical analyses will also be conducted on a variety of data points including average hearing length, access to legal counsel, and sanctions imposed on defendants. This research underscores the importance of addressing the inequities within misdemeanor court systems to ensure fair treatment for all defendants, regardless of language background.

Background

Expedited Misdemeanor Cases and Due Process Concerns

- Florida's misdemeanor cases are often resolved in an average of three minutes (Smith & Madan, 2011)
- Language Barriers: 22.2% of Floridians reported Spanish as their primary language in 2022 (Data USA, n.d.)
- The 2nd Judicial Circuit, covering six counties, has only three interpreters available to assist non-English-speaking defendants.
- Non-English-speaking defendants may not fully understand their rights or the consequences of their pleas

Systemic Biases Against Hispanic Defendants

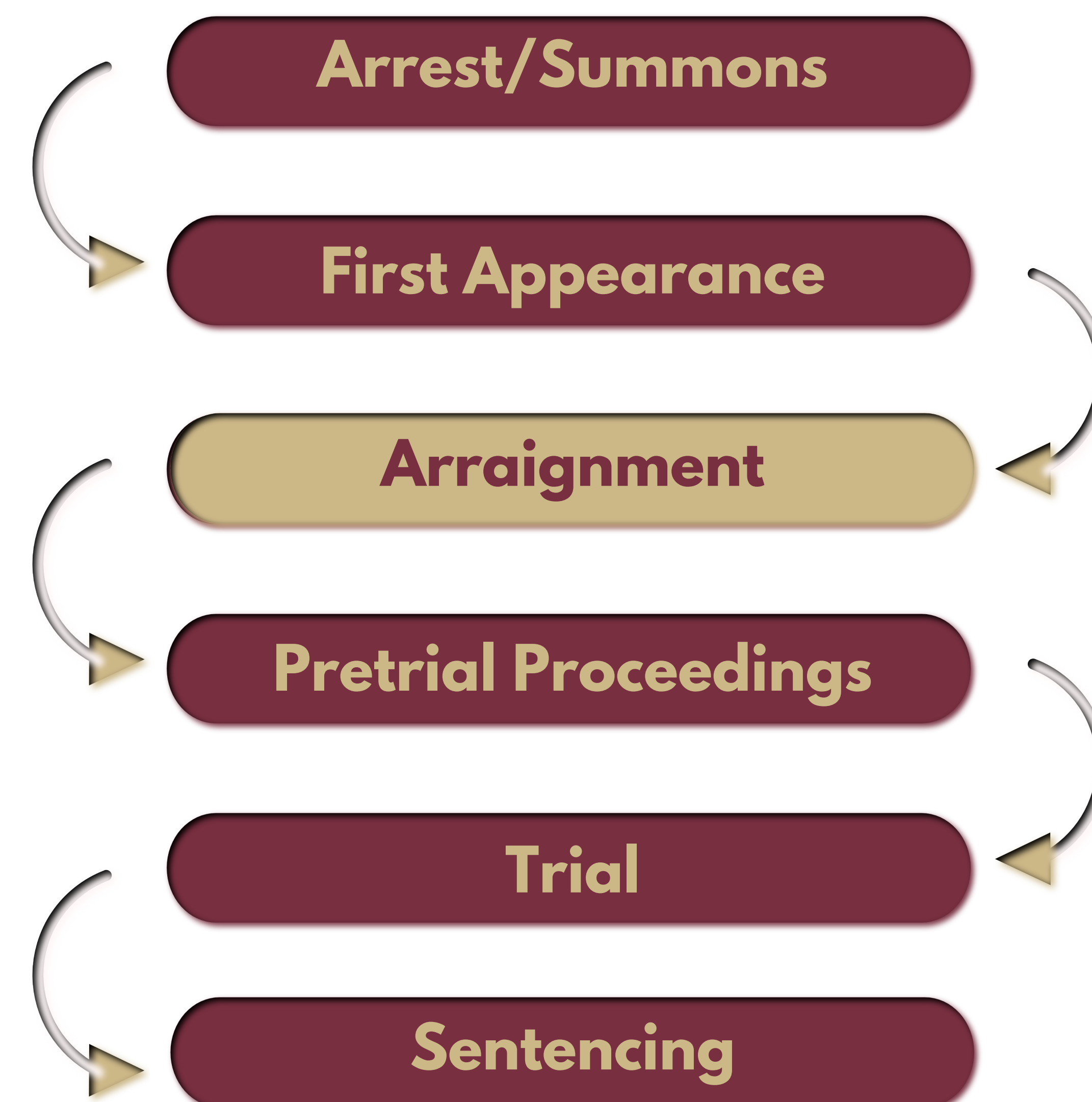
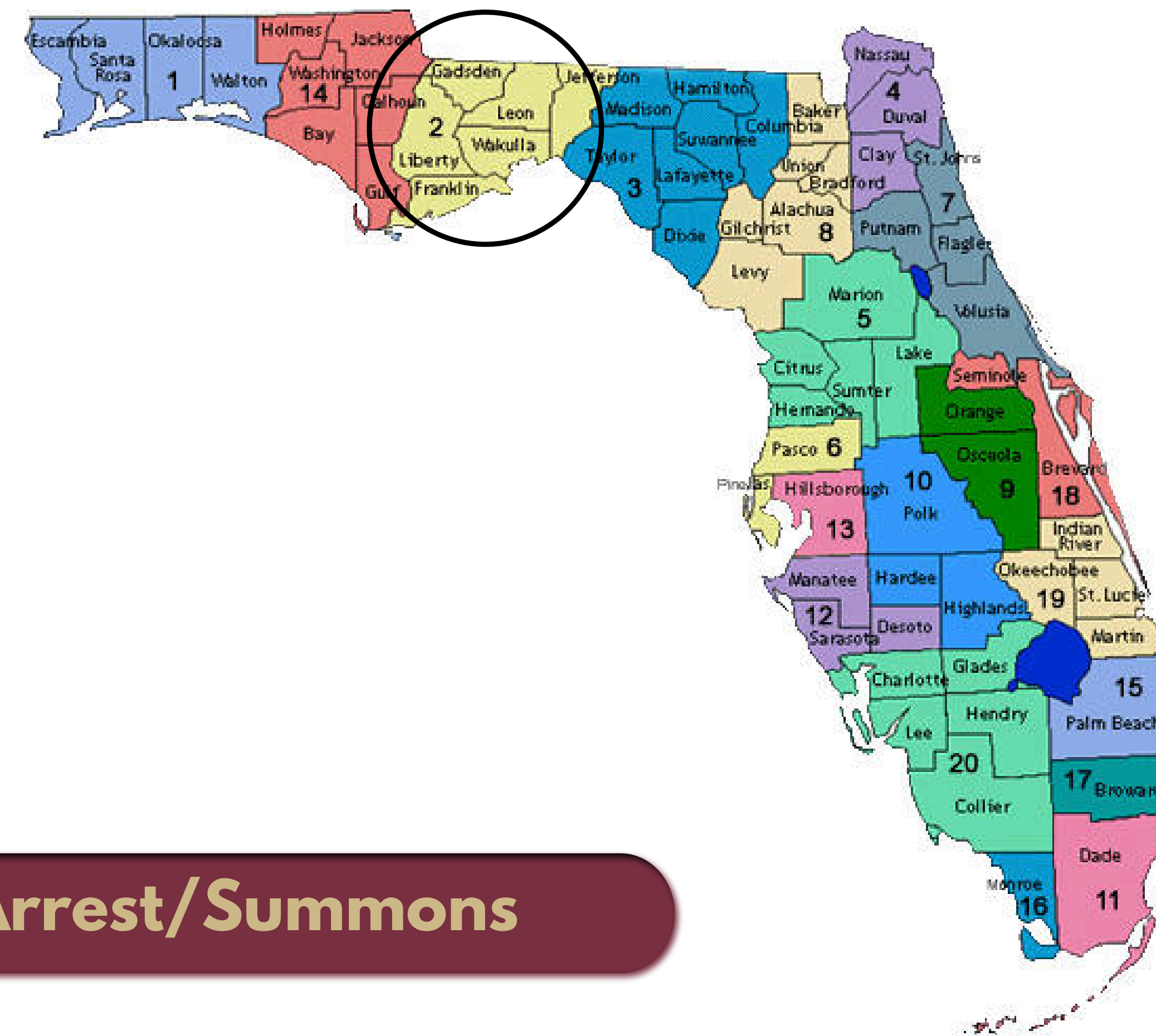
- In June 2023, the U.S. Department of Justice (DOJ) notified the State Attorney's Office for the 2nd Judicial Circuit of alleged violations of Title VI of the Civil Rights Act of 1964.
- The DOJ's investigation found that plea bargaining guidelines disproportionately led to:
 - Harsher consequences for Hispanic immigrants.
 - Less favorable plea offers.
 - Increased financial penalties.

Ongoing Concerns and Need for Reforms

- The 2nd Judicial Circuit claims to be working toward ensuring equal treatment for all defendants but concerns remain about whether meaningful reforms are being implemented.

Methods

- Court Observations - Attended misdemeanor and traffic court sessions in the 2nd judicial circuit once a week.
- Data Collection - Used a standard observation form to systematically collect findings and submitted them to mentors for review and analysis
- Team Meetings - Biweekly team meetings with research mentors and the rest of the team to discuss weekly findings



Preliminary Results

1. Courtroom procedures are varied across the circuit
 - a. This includes different opening statements from judges, different approaches to moving through the docket, and differing processes for assigning a public defender
2. Across the circuit, procedures maintain a rapid pace
 - a. Individual cases are processed quickly, meaning that little time is spent on any given defendant/case
3. Defendants often mention some of the challenges associated with court appearance (e.g., missed work), and appear to consider the potential burden associated with future court dates when considering plea deals
 - a. Many prioritize avoiding future court dates over fair plea deals because of this.
4. Many of the counties observed offer limited assistance to Spanish speakers
 - a. Plea forms are often provided only in English
 - b. The introductory remarks, including discussion of defendants' rights, are not consistently translated for non-English speakers
 - c. Some court staff exhibit impatience or dismissiveness toward non-English speakers.

References

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