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STATE OF CONNECTICUT JUDICIAL BRANCH LANGUAGE ACCESS PLAN

Limited English Proficiency

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INTRODUCTION

The purpose of this Language Access Plan is to eliminate or reduce – to the maximum extent practicable – limited English proficiency as a barrier to accessing programs or activities of the State of Connecticut Judicial Branch. This Plan establishes guidelines in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50,121 (Aug. 16, 2000) and the Connecticut Judicial Branch Policy Statement Regarding Limited English Proficiency.

1. POLICY STATEMENT REGARDING LIMITED ENGLISH PROFICIENCY

(Revised and Approved July 2015)*

The Judicial Branch is committed to providing meaningful access to the court system and its programs and services. The Judicial Branch prohibits discrimination on the basis of national origin, which includes discrimination against limited English proficient (LEP) persons. Limited English proficient (LEP) persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.

Federal law, specifically Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, the Victims of Crime Act of 1984 and the Juvenile Justice Delinquency Prevention Act of 1974, prohibits discrimination on the basis of national origin. Title VI's prohibition of discrimination on the basis of national origin has been interpreted by courts to include discrimination on the basis of English proficiency. Individuals who are LEP are to be provided meaningful access to programs and services. Providing meaningful access will generally involve some combination of oral interpretation services and written translation of vital documents.

*The policy will be reviewed by the LEP Committee, as it deems appropriate, on a periodic basis but not less than once every two years, and recommendations for changes will be submitted to the Chief Court Administrator for approval.

2. COMMITTEE ON LIMITED ENGLISH PROFICIENCY

The Committee on Limited English Proficiency was established in 2008 by the Chief Justice and charged with eliminating barriers to facilities, processes and information that are faced by individuals with limited English proficiency. The Committee is ongoing and is continually reviewing, developing and implementing initiatives that enhance access to services for individuals who are limited English proficient. Details of the work of the committee are posted on the Judicial Branch Internet site at <http://www.jud.ct.gov/Committees/pst/lep/default.htm>, which includes various reports that specify the activities that have been completed.

3. COORDINATION OF LANGUAGE ACCESS PLAN IMPLEMENTATION

The Judicial Branch has a Language Access Plan Implementation Coordinator. The Language Access Plan Implementation Coordinator, in consultation with the Committee on Limited English Proficiency, is responsible for the coordination and implementation of the Judicial Branch Language Access Plan.

The Language Access Plan Implementation Coordinator will prepare an annual report for the Chief Justice on the work of the Committee on Limited English Proficiency and the implementation of the Language Access Plan.

4. INTERPRETER AND TRANSLATOR SERVICES UNIT

The Interpreter and Translator Services Unit (ITS) was established to provide qualified interpreting and translation services to persons with limited English proficiency in all court and court-related matters at no cost. One of the goals of ITS is to ensure meaningful access to the courts by providing interpreters to all persons who are limited English proficient. This access is extended to LEP parties and other LEP individuals whose presence or participation is appropriate to the justice process.

The Judicial Branch is a member of the National Center for State Courts (NCSC) Council of Language Access Coordinators which evolved from its origins as the Consortium for Language Access in the Courts (established originally as the Consortium for State Court Interpreter Certification in 1995). The Council dedicates itself to fairness, integrity, service and collaboration by inspiring and enabling its members “to promote equal access to justice in courts and tribunals by eliminating language barriers for persons with limited English proficiency.” One benefit, among many, is having access to proficiency examinations for certification purposes.

As a member of the Council of Language Access Coordinators, the Judicial Branch utilizes highly qualified interpreters who also perform translations. Court interpreters must not only be bilingual and bicultural, but they also must be educated speakers of English and another language, and be able to interpret all levels of discourse in court proceedings. ITS assesses its staffing needs on a continuous basis based on requests received and reassigns staff as needed. It also has contracts with private providers who provide qualified interpreters when requested by ITS. In addition to interpreter services, ITS provides translation services. New technology is being used to expand and expedite the translation of information, materials, and Judicial Branch-owned documents.

Telephonic Bilingual Services are also available. The Judicial Branch has a contract with an outside vendor to provide phone interpretation services to LEP individuals in situations primarily outside of the courtroom. This language assistance is available in more than 170 languages, 24 hours a day, 7 days a week. There are three ways to access this service: dual hand set phone, regular desk phone and cell phone. Procedures have been implemented for accessing this service. The service is available in all court locations and other Judicial Branch facilities including, but not limited to, adult probation offices, support enforcement offices, jury administration, court service centers, public information desks, office of victim services, family relations offices, courthouse lockups and the centralized infractions bureau. The service is also available outside of Judicial Branch facilities, for field visits, through the use of a cell phone.

5. LEP TRAINING AND RESOURCES

Training

LEP training is available and required for all Judicial Branch employees. The three-hour program seeks to increase the awareness of Judicial Branch employees regarding federal non-discrimination rights, laws, and guidelines with respect to LEP individuals; and provides information for obtaining language assistance and translation services. Each Division or Unit's Training Coordinator is responsible for assigning class seats as they become available. Employees are provided job aids (desk cards) for accessing language services. The LEP training is currently in the process of transitioning to an online format. Moving the training from in-person to online will facilitate the training of Judicial Branch employees who have not been able to attend an in-person training session and will enable ITS to focus on developing a new LEP refresher course for employees who have already completed the initial training.

LEP training is also provided to Judicial Branch contractors who provide court-related services. The program includes reviews of relevant civil rights and federal regulations as well as the contractor's obligations to ensure that individuals who are limited English proficient have access to services, programs and activities provided by the contractor.

Language Assistance Guidelines for Contracted Vendor Services have been developed in a question and answer format to guide Judicial Branch contractors who provide services to individuals who are limited English proficient. These guidelines are distributed at the Contractor LEP Training.

LEP training has also been provided to all Judges, Family Support Magistrates and Small Claims and Motor Vehicle Magistrates. The training has also been incorporated into the new judge orientation provided to all newly appointed judges.

Training on access procedures and use of telephonic language assistance services is available and ongoing, and is provided to all Judicial Branch employees. These services are available in more than 200 locations throughout the state in Judicial Branch offices and courthouses.

Resources

Language identification posters have been produced by the Judicial Branch in various formats

for use in offices, lobbies, reception areas, hallways, and anywhere else deemed appropriate. These are also available in a digital format for easier resource-sharing capability.

Language Assistance Desk Cards have been produced by the Judicial Branch to provide procedural information for accessing language assistance services. They are distributed during the LEP training.

Posters specific to telephonic language assistance have been distributed to provide information on access procedures for services by phone.

Interpreter Information Cards have been developed and translated into five languages: Spanish, Portuguese, Polish, Haitian-Creole and Chinese-Mandarin for publication purposes. The card is another way to inform the public regarding interpreting services provided by the Branch.

The Judicial Branch has information regarding limited English proficiency on its Internet and Intranet websites. Information on the Internet site includes the Judicial Branch's Language Access Plan, LEP policy statement, answers to frequently asked questions, complaint procedures and links to various resources. Information on the Intranet site provides employees with internal administrative procedures for accessing interpreter and translation services.

Additionally, the Judicial Branch has translated a number of web pages into Spanish, Polish and Portuguese. See <http://www.jud.ct.gov/Committees/pst/lep/default.htm>. Publications, informational materials and court forms have also been translated.

6. LANGUAGE ASSISTANCE SERVICES

A. *Immediate Language Assistance*

Language services may be requested or required without prior notice. There are three ways to access immediate language assistance:

- Employees may contact their local interpreter's office to request assistance for any on-the-record proceedings and/or any case related interviews and informational conversations between Judicial Branch staff and LEP individuals.
- Employees may contact the main office of ITS if there is a critical on-the-record proceeding (e.g., arraignment) that needs to go forward and there is no interpreter locally available.
- Employees may contact the telephonic language assistance services, which are available to Judicial Branch employees 24 hours a day, 7 days a week in all court locations and other Judicial Branch facilities, for any off-the-record interpreting needs. The employee may use any phone with a two-way speaker or conference feature, including cell phones, to access these services.

B. *Interpreter Services for Future Dates*

When an employee knows that interpreter services are needed for a future date, the employee completes the [Interpreter Services Request Form, JD-CL-93](#) form, available on the Judicial Branch's Intranet site, and returns it by fax or email to the Interpreter and Translator Services Unit. The form includes specific instructions for completion.

C. *Translation Services*

The Judicial Branch has established guidelines and procedures for requesting the translation of documents. The guidelines are available to Judicial Branch employees on the Judicial Branch Intranet site. A form was created specifically for translation requests. For evidentiary translation requests that are unique to a specific legal proceeding, employees complete: [Translation Services Request Form, JD-CL-119](#). The form is also used by employees to request the translation of documents produced by the Judicial Branch including, but not limited to, forms, booklets, brochures, directions, form letters, guides, and instructions. The request form includes specific instructions for completion.

D. *Sign Language Services*

Sign language interpreter and relay interpreter requests are handled through contractual arrangements with state and local service providers. Specific information for requesting services of sign language interpreters are posted on the Judicial Branch Intranet site.

E. *Discrimination Complaints*

Information regarding forms and procedures for filing complaints against the Judicial Branch or any of its sub-recipients based on federal fund regulations are available for viewing and printing on the Judicial Branch Internet page at <http://jud.ct.gov/faq/DOJ.htm>.

F. *Pilot Programs*

The Judicial Branch continues to explore opportunities to better serve its LEP stakeholders. To that end, the Judicial Branch has developed several pilot programs:

1. *Universal Advisement of Rights*

In 2012, a pilot program was developed for the Hartford Family Court in which the advisements of rights given by Family Support Magistrates were translated into Spanish and recorded on a DVD. Instead of utilizing a staff interpreter to come into the courtroom to interpret the advisement of rights, the video recording is played by the clerk. This allows the interpreters to conduct other business in the courthouse while the advisements are being played in the courtroom. In 2013, the program was expanded to New Haven.

Based on the success of Hartford and New Haven, the program was rolled out to the remaining 11 Judicial Districts in 2014. Monitors and DVD players were purchased for all courtrooms where Family Support Magistrate matters are heard. The Family

Support Magistrates and courtroom staff where trained on the equipment and process. The program has been operational statewide since October 2014.

2. Video Remote Interpreting

A video remote interpreting (VRI) pilot program is being developed that will allow a Spanish-language staff interpreter situated in the main office of ITS in Hartford to be present in a courtroom via video technology to provide language assistance services. The video technology will be utilized for unexpected proceedings such as arraignments and short hearings (not expected to last more than 20 minutes) on days when interpreters are not scheduled at remote locations.

The pilot location selected is G.A. 5 at Derby. This location has been identified because ITS has often received isolated requests to provide language services on days interpreters are not typically assigned to that location. This technology permits ITS to provide the assistance of an interpreter at distant locations in a timely and efficient manner. The use of this technology may enable ITS to provide additional services more efficiently and effectively by reducing the need to contract with private providers at a significantly higher cost.

7. PERFORMANCE AND EVALUATION

The Judicial Branch Language Access Plan was reviewed by the LEP Committee in August 2012 and again in January 2013. The Judicial Branch Policy Statement was revised in January 2011 and April 2013. In the future, these documents will be reviewed as follows:

A self-assessment of the Judicial Branch Language Access Plan, which includes the Judicial Branch Limited English Proficiency Policy Statement, will be conducted periodically, as needed, but not less than once every two years. Both documents will be reviewed and revised simultaneously to ensure consistency, accuracy and relevancy to the LEP population and service needs. During the assessment, the input of external stakeholders will be sought.

Recommendations regarding revisions to the Judicial Branch Language Access Plan and the Judicial Branch Limited English Proficiency Policy Statement will be formulated as needed and forwarded to the Office of the Chief Court Administrator for approval.

The LEP Committee will continue its efforts to expand language assistance services, focusing on the implementation of new technologies and continued identification and translation of vital documents.