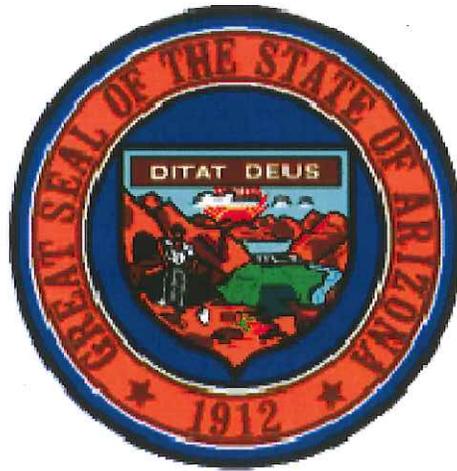


# ARIZONA SUPERIOR COURT IN PIMA COUNTY



## **Plan for Addressing the Needs of Individuals With Limited-English Proficiency and Language Disabilities**

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## ARIZONA SUPERIOR COURT IN PIMA COUNTY

### Plan for Addressing the Needs of Individuals with Limited-English Proficiency and Language Disabilities

#### I. Legal Basis and Scope of Plan

This plan describes the efforts of the Pima County Superior Court to provide language interpretation and translation services to litigants and other court participants with limited-English proficiency (LEP) (Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112) or Language Disabilities (Title II of the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 codified at 42 U.S.C. § 12101) who are participants in in-court events or programs. The court engages in these efforts to support its mission:

*It is our purpose to provide the timely, fair and efficient administration of justice under law, in a manner that instills and sustains the public's confidence in the judicial system.*

This plan pertains to the Superior Court, exclusive of its Juvenile Court, which has separate procedures for providing language services, and the Clerk of Court, who is an elected official overseeing a separate department. The court will maintain high-quality services to persons with limited English proficiency or language disabilities who require such services, while it also focuses on the service enhancements as specified in this plan.

#### II. Need for Services

Pima County is an Arizona border county with an ethnically and linguistically diverse population of almost 1,000,000 people as of 2010. Pima County Superior Court is the second largest trial court in Arizona which employs more than 550 persons, including 42 judicial officers, and receives over 25,000 new case filings each year. Language needs of the court are continuously analyzed and, once a year, statistics of actual usage are collected so that we may anticipate the language needs of our Court.

As a result of its proximity to Mexico, the Hispanic population of Pima County is a significant component of the overall population. A 2013 U.S. Census estimate is that 35.4% of Pima's population is of Hispanic origin. This corresponds with a national percentage of 17.1% and an overall Arizona rate of 30.3%. No language other than Spanish rises to the level of 5% of the total population of the county, or produces as significant requests for services.

According to the Arizona Commission for the Deaf and Hard of Hearing approximately 8.6% of all Arizona residents have hearing loss, but the greatest impact is on Arizona seniors of which one-third experience hearing loss. In addition, just under 1% of the Arizona population is Deaf. Pima County is also the site of the Arizona School for the Deaf and Blind; and, Pima Community College and the University of Arizona have American Sign Language teaching programs. Tucson is also a magnet for seniors. As a result, the Arizona Superior Court in Pima County utilizes roughly one deaf or hard of hearing person per week for jury service and has numerous court hearings in need of language accommodations for those who are deaf or suffer a hearing loss.

In calendar year 2013, interpreters were provided in twenty-six languages, including ASL, for 11,554 court events. Eighty-Eight (88%) percent of the events were for Spanish speakers. As of the time, only the Spanish language reaches the population level which requires that vital documents be translated under DOJ regulations.

### III. Current Language Assistance Services

The court has an Office of the Court Interpreter that employs a well-qualified, professional interpreting staff with a professional manager who oversees language access activities. The Court maintains a list of American Sign Language daily contractors that hold Class A, Legal Licenses from the Arizona Commission of the Deaf and Hard of Hearing and nationally certified CART Interpreters. The Office of the Court Interpreter recruits, qualifies, and maintains a registry of daily contract interpreters who work in Spanish and other languages.

***It is the policy of the court that no hearing should be held without the services of a qualified interpreter at no cost to the party receiving interpretation services.***

Litigants, including defendants, witnesses, victims, and guardians, among others, are provided language access services upon request. The use of children, attorneys, judges, other bilingual court staff, co-litigants, relatives, and other non-qualified interpreters are specifically prohibited.

Pursuant to Superior Court Administrative Order **2014-30**, it is the responsibility of private attorneys, the Public and Legal Defenders, County Attorneys, and, the Office of Court Appointed Counsel to provide qualified interpretation and translation services for witness interviews, transcription and translations required as court exhibits, and attorney/client communications for out-of-court proceedings not specifically ordered by the court.

#### A. Determining the Need for Services

The court has a *Request for Linguistic Accommodations Form* posted on its website: [http://www.sc.pima.gov/Portals/0/interpreter/Request\\_For\\_An\\_Interpreter\\_English.pdf](http://www.sc.pima.gov/Portals/0/interpreter/Request_For_An_Interpreter_English.pdf). Upon request any court user will be provided language access services in their language of preference for proceedings ordered by the court or which are held in the courtroom. Court staff is trained to ask everyone if they (or any party in their case) need language access services. Judges, attorneys and other outside justice partners, court staff and self-help staff, social workers, correctional facilities workers, members of the public, relatives, courtroom observers or anyone who believes that court users need language assistance may make a request—at any time—and such requests will be honored. The court has an

electronic case management system that court staff uses to populate fields indicating language services are required and in which language. Physical files within various departments are also marked with these notations. Once a case is marked as needing language access services, the court automatically provides an interpreter or bilingual staff for the life of the case for all court events and for all court divisions and departments.

The need for an interpreter also may be made known in the courtroom at the time of the proceeding. In the case where an interpreter is not available at the time of the proceeding, after the court has made all reasonable efforts to locate one, the case will be postponed and continued to a date when an interpreter can be provided. If the litigant wishes to proceed without the use of an interpreter, a proper waiver on the record will be made by the judicial officer presiding over such event.

## B. Services Offered

The court offers the following language access services:

### 1. Interpretation of In-Court Events

Court hearings or events are covered by an on-site court-provided interpreter in the language of preference at no expense to all court litigants, defendants, victims and witnesses. Pursuant to the *Americans with Disabilities Act of 1990 (ADA)*, jurors with hearing impairment or who are deaf are provided with reasonable accommodations.

### 2. Remote Interpreting Services

When an on-site interpreter is not available, remote interpreting services are provided primarily for short, non-complex matters although all court proceedings will be interpreted. The court provides: (a) teleinterpreter services and (b) video remote interpreting (VRI) services in both dedicated courtrooms, the county jail, and by a mobile cart that can be used in any courtroom that is VRI ready. VRI services allow the court to provide American Sign Language, CART, and interpreters of languages of limited diffusion when no local interpreter is available.

### 3. Courthouse Communications Outside the Courtroom

Many of the court's requests for services are from individuals who may need assistance for purposes of accessing the court for reasons other than attending a court proceeding. Such an individual may require directions, guidance in filing a document, help in finding a courtroom or in accessing another court service. The court is an equal opportunity employer and recruits and hires bilingual staff to serve its LEP constituents. Every division of the court has qualified bilingual staff available to assist participants. These divisions include, among others, Adult Probation, Pretrial Services, Case Management Services, Conciliation Court, the 1<sup>st</sup> and 9<sup>th</sup> Floor Information Desks, as well as the Jury Commissioner's office (our juror orientation film is closed-captioned). In the unusual event that a bilingual staff person is not available, a member of the interpreter staff is made available or a teleinterpreter service is used. ASL interpreters are also called upon if needed to fulfill these other functions. To provide a continuum of linguistically accessible services for LEP individuals, the Court utilizes the following language access methods:

- Staff court interpreters that work full time, or independent interpreter contractors;
- Bilingual employees;
- Bilingual volunteers;
- "I Speak" cards, to identify the individual's primary language;
- Translated court use information available online and in the Law Library on the 2<sup>nd</sup> Floor;
- Telephonic interpreter services from contract interpreters and an agency;
- Video remote interpreting services;
- Self-help center with Spanish/English bilingual staff;
- Bilingual family court services mediators for custody and visitation matters;
- Written informational and educational materials and instructions in Spanish; and, a
- Website link on our court's website to the Supreme Court's Spanish translated webpage for court forms and instructions, at:

<http://www.azcourts.gov/elcentrodeautoservicio/FormulariosdeAutoservicio.aspx>.

#### 4. Mandatory Attendance at Court Programs

Mandatory court programs also require language services if those with limited- or non-English proficiency are to access those services. Conciliation Court provides mediation, conciliation, evaluation and other services in family law cases and the Adult Probation Office monitors all defendants placed on probation. The Conciliation Court employs five bilingual clinicians, and uses the services of the Interpreter's Office to obtain services for languages other than Spanish, Adult Probation maintains a roster of Spanish speaking probation officers, surveillance officers and support staff to assist Spanish speakers. Both departments use the services of the Office of Court Interpreter to provide interpreter and translation services in all other oral and sign languages using the methods listed in section # 3 above.

#### 5. Document Translation Services

When litigants present documents in a foreign language that the court needs in order to make a determination in a case, the court translates these letters and other documents for use in court. Other court publications are available in Spanish. The court has translated vital documents, including forms with instructions in Spanish, to assist limited- and non-English speaking self-represented litigants. Translations are made available to the public through the Arizona Superior Court Law Library and its webpage at:

<http://www.sc.pima.gov/Default.aspx?tabid=112>

Interpreters at court hearings provide sight translations of court documents and correspondence associated with the case if they are presented in court and time does not permit a written translation to be produced.

#### 6. Training

It is the longstanding policy and practice of the court to provide training on a range of diversity issues. In 2013, training for every court employee in Title II (ADA) and Title VI (Civil Rights Act of 1964) language access began. Training focuses on access laws, how to provide language services at the information and departmental levels, and how to improve

customer service to LEPs and the deaf and hard-of-hearing. Classes are offered regularly and personnel who train are able to answer accurately any questions about Title II and VI. This training is offered to all court employees and the curriculum is routinely updated. In addition, the court offers to every employee:

- Diversity training;
- Cultural competency training;
- Staff participation in Spanish and language neutral training provided by the court in partnership with Pima Community College and the University of Arizona who offer these classes on site and free to employees on court time or at local conferences and institutes;
- New employee orientation training; and,
- Judicial officer orientation on the use of court interpreters and language competency.

#### 7. Public Outreach and Education

The court participates in local, annual Title VI and ADA conferences for purposes of reaching out to the Tucson and Pima County multilingual community and providing information on court services for LEP and language disabled populations. This is also the Court's opportunity to seek input from its LEP and language disabled populations on its services and additional opportunities to provide access to the court. The court works cooperatively with its sister courts at the city, county, and federal levels to share information, referrals, and resources. Our Office of the Court Interpreter also has established networks with local hospitals, educational institutions, interpreter associations and other legal, law enforcement and justice partners for the same purposes.

#### 8. AOC Interpretation Resources

The Administrative Office of the Arizona Courts maintains the following services for use by all Arizona courts:

- Court Interpreter Registry: A statewide roster of individuals who indicate they have interpreting experience and have expressed interest in working in the courts. The local court determines the competence of the persons listed, if hired. This roster is available to court staff on the Internet at: <http://www.interpreters.courts.az.gov>.
- Listserv®: A statewide listserve allows courts to communicate via email regarding court interpreter related matters and provides an additional method to locate referrals for specific language needs.
- Video Remote Interpreting: Video remote conferencing equipment is installed at the State Courts building to allow courts with compatible technology to remotely conference an interpreter from the Phoenix metro area to their court to improve resource allocation and reduce time and costs associated with interpreter travel. The Arizona Superior Court in Pima County has video remote equipment compatible with the State Court Building.

#### **IV. Expansion of Services**

##### **1. Signage**

A study of the courthouse is being conducted to identify multi-lingual signage that should be translated and posted around the court. Signage will include information that the court provides interpreter and bilingual services, as well as the name and contact information of the Title VI Coordinator so that the public may reach them as needed.

##### **2. Other Telephonic Access**

A study of the answering messages on primary court phone lines will be conducted to determine which need to have instructions in Spanish. The English messages will be transcribed and then translated and will include instructions to call the Office of the Court Interpreter for oral language or ASL services. Efforts to record and implement the new bilingual phone answering messages will be completed by the end of the 2014 calendar year.

##### **3. Online Title II and VI Training**

The court's Language Access Coordinator and Director of Training and Education are developing an online version of the court's Title II and VI staff training class. It will include hyperlinks to the court's various resources for language access as well as a self-guided learning workbook and evaluation system. Using this method, employees will have 24-hour access to language access training.

#### **V. Evaluation and Review**

The Arizona Superior Court in Pima County's Language Access Plan (LAP) is approved by the Presiding Judge and the Court Administrator. The LAP is subject to review at least bi-annually to determine that the scope and delivery of services to LEP and language disabled persons are appropriate and consistent with evolving standards of service and federal and state law requirements. Revisions to the LAP are submitted to the Presiding Judge and Court Administrator and forwarded to the AOC. Copies of the Court's LAP are provided to the public on request and may be downloaded from our website at this address:

<http://www.sc.pima.gov/Default.aspx?tabid=307>.

The court's Title II and VI Coordinator conducts an annual review of the plan and produces and analyzes language access usage and other data to determine if the local population's language access needs are being met.

#### **VI. Title II and VI Language Access Coordinator Contact Information, Complaint Procedures and Retaliation Policy**

The court's Title II and VI Coordinator is the Director, Interpreter Services. The responsibility to ensure Title II and Title VI language compliance by the court is the direct responsibility of this staff person. Complaints and retaliation claims are handled in the first

progresivo de disciplina que incluye, por repetidas transgresiones, sanciones que pueden incluir hasta el término del empleo. Los formularios de queja se encuentran en el sitio Web del tribunal. Para formular una queja, comuníquese o envíe el formulario de queja a:

Victoria F. Vázquez  
Director, Interpreter Services, Office of the Court Interpreter  
Title II & VI Language Access Coordinator  
110 West Congress, 9<sup>th</sup> Floor  
Tucson, Arizona 85713  
520-724-3888; 520-724-8872; [ctinterp@sc.pima.gov](mailto:ctinterp@sc.pima.gov)

Los problemas relacionados con los recursos y procedimientos de acceso lingüístico en el estado deben dirigirse a:

Carol Mitchell, Court Access Specialist  
AOC Language Access Coordinator  
Court Services Division  
Administrative Office of the Courts  
1501 W. Washington Street, Suite 410  
Phoenix, AZ 85007  
(602) 452-3965, [cmitchell@courts.az.gov](mailto:cmitchell@courts.az.gov)

Las apelaciones de cualquier decisión tomada por la Coordinadora de Acceso Lingüístico se remiten al Administrador del Tribunal, y una apelación final se remite al Juez Presidente. Todos los usuarios del tribunal tienen derecho, después de agotar los procedimientos de queja del tribunal, a entablar una demanda.

Fecha de vigencia del Plan de Acceso Lingüístico: 09/12/14

Aprobado por:

Juez Presidente, Sarah R. Simmons: *Sarah R. Simmons*

Fecha: 09/12/14

Administrador del Tribunal, Sr. K. Kent Batty: *K. Kent Batty*

Fecha: 9/11/14