Draft-6 Feb, 2015

19th Judicial District
LANGUAGE ACCESS PLAN

The 19th Judicial District is composed of the

York County Court of Common Pleas and 19 Magisterial Districts.

Section I. Legal Basis and Purpose

This Language Access Plan (LAP) is the plan for the 19th Judicial District to ensure meaningful access to court services for persons with limited English proficiency (LEP) or deaf or hard of hearing in compliance with Title VI of the Civil Rights Act of 1964[1], the Omnibus Crime Control and Safe Streets Act,[2] the Pennsylvania Interpreter Act,[3] and the Administrative Regulations Governing Court Interpreters for Persons With Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing.[4] A limited English proficient person is a person who does not speak English as his or her primary language, and who has a limited ability to read, write, speak, or understand English, and therefore may be unable to understand and meaningfully participate in the court process. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to the Pennsylvania Interpreter Act and the Administrative Office of Pennsylvania Courts' (AOPC) Interpreter Certification Program Regulations.[5]

[1] 42 U.S.C. § 2000d *et seq.*; *see also* 45 C.F.R. § 80 *et seq.*; 28 C.F.R. § 42 *et seq.*
[2] 42 U.S.C. § 3789d(c)(1).
[3] Act 172 of 2006, 42 Pa. Cons. Stat. § 4401, *et seq.*
[4] 204 Pa. Code § 221.101 *et seq.*
[5] 204 Pa. Code 221.

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to LEP persons and deaf and hard of hearing persons who come in contact with the judicial district.

The judicial district has appointed a language access coordinator

Name: Kenluis Olivo

Title: York County Courts Interpreter Services Coordinator

to be a contact person for the public, court staff, and the AOPC concerning this plan and its implementation. The language access coordinator may be contacted through**:**

Address: 45 N. George St, York PA 17404

Phone #: 717-771-4385

Email: KROlivo@YorkCountyPA.gov

Section II. Needs Assessment

A. Statewide Survey

The judicial district will make every effort to provide service to all LEP and deaf or hard of hearing persons in the court's service area. According to the 2010 AOPC survey of the district court administrators of Pennsylvania, the most widely used languages requiring interpreters in Pennsylvania's judicial districts were (number of counties in which the language is used regularly):

1. Spanish (67)
2. American Sign Language (51)
3. Mandarin Chinese (25)
4. Russian (20)
5. Vietnamese (14)
6. Arabic (14)
7. Korean (11)
8. Polish (10)
9. Italian (10)
10. French (10)

B. Judicial District Data
The 5 most common languages, including ASL, for which interpreters were provided in the 19th Judicial District for years 2012 and 2013.

1. Spanish
2. ASL
3. Mandarin Chinese
4. Arabic
5. Vietnamese

C. Identification of LEP Persons

Court staff use the following methods to identify LEP persons:

- Via law enforcement at the time of arrest
- MDJ and filing office staff interacting with the public
- Criminal arraignment waivers and other language access filtering court forms
- The special considerations section of the LEP case profile in CPCMS
- Direct notification by LEP

Section III. Language Assistance Resources

A. Interpreters Used In Judicial Proceedings

The judicial district offers assistance to LEP and deaf or hard of hearing persons during judicial proceedings by providing foreign language interpreters as required by Title VI of the federal Civil Rights Act, the Pennsylvania Interpreter Act, and its regulations. As defined by the Pennsylvania Interpreter Act, it is "the policy of this Commonwealth to secure the rights, constitutional and otherwise, of persons who because of a non-English speaking cultural background or because of an impairment of hearing or speech are unable to understand or communicate adequately in the English language when they appear in court or are involved in judicial proceedings."[6] Pursuant to the regulations under Act 172, the Pennsylvania Interpreter Act, specific persons are required to give notice to the court of the need for an interpreter in certain types of cases, but "anyone with knowledge of a principal party in interest, witness or direct victim's need for an interpreter may give notice of that need to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee . . . ."[7]

The 19th Judicial District provides interpreters for judicial proceedings in compliance with the rules and policies set forth in the Pennsylvania Interpreter Act and regulations, the AOPC Interpreter Certification

[6] 42 Pa. Cons. Stat. § 4401.
[7] 204 Pa. Code §221.201(a)(4).

Program regulations,[8] and the Guidelines for the Procurement and Appointment of Interpreters issued by the AOPC. Interpreter request and waiver forms are available on the Interpreter Certification Program page of the UJS website.[9]

The Pennsylvania Interpreter Certification Program ("ICP") maintains a statewide roster of certified, otherwise qualified, and registered interpreters who may work in the courts, which is available to court staff and the public online.[10] The Judicial Districts must give preference to the appointment of a certified interpreter, unless a certified interpreter is not available.

The court may appoint otherwise qualified interpreters when certified interpreters are unavailable. Otherwise qualified interpreters should be selected from the statewide roster. If the Judicial District is unable to locate a certified, otherwise qualified, or registered interpreter on the statewide roster, then the Judicial District should contact AOPC ICP staff for guidance.

B. Language Services beyond Judicial Proceedings

LEP persons may come in contact with court personnel via.

- Telephone
- Counter
- Self Help Center

Once court staff have identified LEP individuals utilizing the resources identified in II(C), court staff provide the following language assistance services in the situations listed directly above:

- Telephonic interpretation service
- Video remote interpreting
- Bilingual employees
- Freelance interpreters

All offices in the judicial center and all MDJ offices have access to telephonic interpretation services as needed. Assistance coordinating the telephonic service or VRI is provided by the Interpreter Coordinator upon the request of the department. An internal request system is in place to ensure the requests for the telephonic service or VRI are appropriate to the need of the LEP individual and the circumstance. Bilingual employees are available for basic counter assistance and customer service at the discretion of their department head, director or elected official and are not hired solely for the purpose of providing language access assistance. Freelance interpreters are scheduled through the Interpreter Coordinator.

[8] 204 Pa. Code §221.
[9] http://www.pacourts.us/judicial-administration/court-programs/interpreter-program
[10] http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster

C. Forms & Documents

1. Statewide - The Administrative Office of Pennsylvania Courts (AOPC) makes select translated forms available to the courts on its website.[11]

2. Judicial District - The 19th Judicial District recognizes the importance of translating vital forms and documents so that LEP individuals have equal access to court services. To ensure consistency in the translation of vital documents and forms, the 19th Judicial District follows the guidelines established in the National Center for State Courts' Guide to Translation Practices.[12] Additional translated forms available to court users include:

Translated documents:

- Guilty Plea Colloquy (English<>Spanish)
- Guilty Plea Colloquy (English<>Arabic)
- PFA bilingual forms (several languages as needed)
- Other court ordered documents as needed

Guilty plea colloquies are available in all of the common pleas courtrooms and MDJ offices. The PFA forms are available in the PFA office. Any translation of a specific document or any proceeding ordered by the Court is requested and completed through the office of the Interpreter Coordinator.

D. Other Provisions

In an effort to provide LEP persons language access to court information, the judicial district also provides the following:

- York County Interpreter Services Webpage (on Official York County Website)

http://yorkcountypa.gov/courts-criminal-justice/court-administration/court-interpreter-language-services.html

[11] http://www.pacourts.us/forms/for-the-judiciary/.
[12] http://www.ncsc.org/education-and-careers/state-interpreter-certification/~/media/files/pdf/education%20and%20careers/state%20interpreter%20certification/guide%20to%20translation%20practices%206-14-11.ashx.

Section IV. Training

The judicial district works with the AOPC to ensure that all employees are trained on LEP policy and procedure. Judicial district staff will receive information to assist them to: identify and respond to LEP persons, increase awareness of the types of language services available, guide when and how to access those services, and effectively use language services. New employees, especially those who will have regular contact with the public, will be required to acknowledge that they have received instruction and information regarding the LEP policy and available resources.

Judicial district staff will receive information on how to assist a LEP person in the following ways:

- As needed training for new judicial district staff in coordination with Court Administration's orientation with the Human Resources supervisor.
- As needed training for employees who have frequent contact with the public.
- As needed training for employees who will request interpreter services for judicial proceedings.

Section V. Public Notification and Evaluation of Language Access Plan

A. Language Access Plan Approval and Notification

The judicial district's LAP has been approved by the AOPC. The judicial district will post its LAP on its public website and/or public notification area within the courthouse and will make copies of the LAP available upon request. In addition, copies of the plan have been provided to all identifiable stakeholders in the LEP and deaf/hard of hearing communities, including but not limited to: the District Attorneys' Office, the Public Defenders' Office, and the local legal aid office.

The judicial district consulted with the following members of the community in creating its LAP:

- District Attorneys' Office
- Public Defenders' Office
- Court Administration
- Clerk of Courts
- Centro Hispano

B. Evaluation and Review of the LAP

The judicial district will review this LAP six months from its inception, and biennially thereafter to assess whether the LAP needs updating. The LAP will remain in effect unless modified or updated. Review of the following areas may indicate a need to update the LAP:

The language access coordinator for this judicial district ensures this plan is followed, advises the court on potential updates to this plan, and coordinates provision of language access services for the judicial district as they arise.

The name and contact information of the language access coordinator is: Kenluis Olivo.

The judicial district will notify the AOPC of any changes to the language access coordinator's contact information, or if a new language access coordinator is named. Any revisions to the language access plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's website and in a public notification area in the courthouse, as well as distributed to all relevant stakeholders.

Section VI. Grievance Procedure

Any LEP, deaf or hard of hearing individual has the right to file a complaint against the 19th Judicial District when he or she believes that the 19th Judicial District did not provide the necessary LEP or sign language services. The Language Access Coordinator shall take reasonable steps to inform LEP, deaf or hard of hearing court users about the availability of complaint forms.

The Language Access Coordinator shall:

- Utilize the attached complaint procedure and form
- Publish and make the complaint procedure and form readily available
- Post the complaint procedure prominently in the court facilities and on the court's website

All complaints regarding this LAP should be forwarded to:

Name: Kenluis Olivo

Language Access Coordinator

19th Judicial District

Address: 45 N. George St, York PA 17404

Phone #: 717-771-4385

Email: KROlivo@YorkCountyPA.gov

Fax Number: 717-771-9911

The Language Access Coordinator or his/her designee will investigate any complaints that allege noncompliance with this LAP. If the investigation results in a finding of compliance, the Language Access Coordinator will inform the LEP individual in writing of this determination, including the basis for determination. If the investigation results in a finding of noncompliance, the Language Access Coordinator will inform the LEP person of the noncompliance in a letter that outlines the steps that will be taken to correct the noncompliance.

Effective Date: _____

Date: _____ Language Access Coordinator Signature: _____

Date: _____ President Judge Signature: _____