

Brown County District Attorney's Language Access Plan

It is the purpose of this policy to provide guidance to employees as to their legal obligations (in accordance with Title VI of the Civil Rights Act of 1964) when they have contact with an individual(s) who is limited English proficient (LEP), because language barriers can sometimes inhibit or even prohibit individuals who are LEP from gaining meaningful access and participation in the District Attorney's services.

District Attorney personnel will take all reasonable steps to provide language assistance services to LEP individuals whom they may encounter in the course of their duties, at no cost to the LEP individual.

POLICY

It is the policy of the Brown County District Attorney's Office to take reasonable steps to ensure timely and meaningful access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC§ 2000d). It is the responsibility of the District Attorney's Office staff to provide free access to language assistance services for all contacts with limited English proficient (LEP) victims and witnesses. The District Attorney's Office staff must identify LEP individuals and inform LEP persons that language assistance services are available. If such services are requested, the staff must take all reasonable steps to provide language assistance to LEP individuals.

DEFINITIONS

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific. An individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Language Assistance Services – Services that encompass all oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access and an equal opportunity to participate fully in the services, programs, or activities administered by the District Attorney's Office. However, employees are not required to use language assistance in social communications with LEP individuals. Social communications include greetings and other limited communication that do not involve responding to complaints, exercising prosecutorial authority, or engaging in any other substantive communication.

Meaningful Access - Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not unduly restricted, unnecessarily delayed, and is equal to programs or activities provided to English proficient individuals.

Vital Documents – Paper or electronic written material that contains information that is critical for accessing office programs or activities, or is required by law.

Sight Translation – Oral rendering of written text or a document into spoken language by an interpreter without change in the meaning based on a visual review of the original text or document.

Direct “In-Language” Communication – Monolingual communication in a language other than English between a multilingual staff or vendor and an LEP person.

Authorized Employee Interpreter or Translator – An employee of the Brown County District Attorney’s Office who is bilingual and has successfully completed agency-recognized interpreter and/or translator testing and is authorized to act as such an interpreter and/or translator.

Qualified Interpreter or Translator - Any person confirmed by the Brown County District Attorney’s Office as having the knowledge, skills and ability to perform interpretation or translation services.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate in both English and another language. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a testing procedure recognized by the District Attorney’s Office, their level of skill and competence; such that, the District Attorney’s Office is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

LEP Coordinator – The Office Manager or his/her designee is responsible for coordinating and implementing all aspects of the Brown County District Attorney’s Office LEP services. The LEP Coordinator reports directly to the District Attorney.

Primary Language - The language in which an individual is most effectively able to communicate.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

Volunteer Translator – An individual that volunteers to translate or interpret, but has not yet been vetted by the District Attorney’s Office for their level of proficiency in a target language. This may include family, friends or acquaintances.

NOTIFICATION OF LANGUAGE ASSISTANCE SERVICES

The District Attorney’s Office provides notice that no cost language assistance services are available. Notices of the services will be posted and/or displayed in public areas of District Attorney’s Office buildings, For example, the District Attorney’s Office lobby provides multilingual streaming content that notifies LEP individuals of the availability of free interpreter and translation services, and provides instruction on how to access those services. The District Attorney’s Office also provides translated handouts, mailings and vital documents.

MOST LIKELY NON-ENGLISH LANGUAGES TO BE ENCOUNTERED IN BROWN COUNTY

According to 2017 reported data from StatisticalAtlas.com, which gathers data from the US Census Bureau, the top non English languages spoken in Brown County are Spanish and Hmong. StatisticalAtlas.com reports that approximately 6,500 Spanish speaking persons living in Brown County do not speak English “very well.” StatisticalAtlas.com reports that approximately 1,100 Hmong speaking persons living in Brown County do not speak English “very well.”

IDENTIFICATION OF LEP INDIVIDUALS AND THEIR LANGUAGE

The District Attorney’s Office will utilize reasonably available tools, such as language identification cards (“I SPEAK cards), when attempting to determine an LEP individual's primary language in an effort to avoid mistakes when identifying a language. The District Attorney’s office will maintain these tools in areas of public access and make available in the document resource area (Forms link) of the Records Management System.

Personnel may determine whether an individual is LEP through:

- Permitting self-identification by the LEP person (if the individual is able to communicate the language that he or she speaks);
- Asking open-ended questions requiring a narrative response. Where an individual is unable provide a fluent narrative response in English, he or she shall be deemed LEP;
- Using language identification cards (“I Speak” cards);
- Verifying the language spoken with the assistance of an authorized employee interpreter or with the assistance of a qualified telephone interpreter. Noticing behavior that suggests a person is LEP. For example, an individual speaks in

incomplete or fragmented sentences, uses words that suggest a request for language assistance, or switches from English into another language may be LEP.

The Brown County District Attorney's Office has a contract with International Translators (IT) for translation services. To contact IT call 920-593-2929, let them know you are with the Brown County District Attorney's Office and that you need translation services in whatever language you have identified.

ORAL INTERPRETATION

The District Attorney's Office will make reasonable efforts to provide assistance to LEP individuals and document any services provided. The agency will document the name of the person who provided the service and any credentials qualifying that person to act as an interpreter.

TELEPHONE INTERPRETER SERVICES

The LEP Coordinator will maintain a list of qualified telephonic interpreter services and make it available to all agency personnel. These services shall be available to assist agency personnel in communicating with LEP individuals.

Telephone interpreters are provided through IT, which provides three-way-call service that can be used:

- When an LEP individual call the District Attorney's Office
- When District Attorney's staff call an LEP individual with notifications of criminal proceedings and/or information regarding the status of their case.
- When an LEP individual visits the District Attorney's Office without prior notice and a qualified in-person interpreter cannot be arranged in a timely fashion.
- When District Attorney's Office staff are in the field and unexpectedly encounter an LEP victim or witness

IN PERSON INTERPRETERS

Multilingual staff or contract interpreters that have passed language proficiency assessments and undergone language assistant training (as described below) may provide "in-language" assistance to LEP individuals. Examples of assistance include, but are not limited to:

- When a LEP individual calls the District Attorney's Office, and the call taker needs assistance to identify the primary language of the caller;
- When a LEP individual is requesting the status of their case; and

- When a LEP individual is in need of other community resources that are available to them.

TRANSLATION SERVICES

The LEP Coordinator will maintain a list of qualified translation services and make it available to agency personnel in order to assist in the understanding of written text, and with the translation of vital documents, or case related materials.

The LEP Coordinator will likewise maintain a list of translations services or individual translators who are deemed to be unqualified, or whose services have been

PRINTED FORMS AND DOCUMENTS

The LEP Coordinator will determine which Vital Documents will be translated based on importance and frequency used. We currently have the following documents translated into Spanish and Hmong:

- Subpoenas
- Juvenile Restitution Form
- Restitution More Information Needed Form
- Restitution Request Letter Returned
- Victim Restitution Form
- Victim Impact Statement
- DA Offer Statement
- Waiver of Right to an Attorney

The LEP Coordinator will make these documents available to agency personnel and other individuals as necessary.

The following documents either exist in a usable format created by other similarly situated offices, have been provided by the Department of Justice or other State agencies, or can be provided as needed:

- Brochures describing language rights in most common primary languages;
- Information for victims and witnesses including accessing Victim's Services Advocates, seeking services and protections for domestic violence and sexual assault victims, applying for Crime Victim Assistance (VOCA) funds, and immigration (including U-visa certification process);
- Information on how to request records or seek a protective order;
- Victim notification letter;
- Information for victims and witnesses regarding court logistics;
- Information regarding restitution;

- Victim impact statements;
- Case specific documents or in some circumstances evidence;
- Court and trial notification letters;
- Complaint and complaint process documents; and
Other materials including language resource lists, signs, and instructions on internal websites.

Case specific documents, such as legal pleadings, letters, reports and other documents will be translated on a case-by-case basis, as needed.

LEP COORDINATOR

It shall be the duty of the LEP Coordinator to:

- Review and maintain the policies and procedures of the District Attorney's Office;
- Review and coordinate the creation of non-English Vital Documents used by the District Attorney's Office, if needed;
- Assure vendors providing interpretation and translation services have certification listing their proficiency as recognized through American Council on the Teaching of Foreign Languages (ACTFL) or Interagency Language Roundtable (ILR) appropriate to services provided;
- Assure that District Attorney's Office employees providing interpretation and translation services have certification listing their proficiency as recognized through the American Council on the Teaching of Foreign Languages (ACTFL) or Interagency Language Roundtable (ILR) appropriate to services they provide; and
- Occasionally review the effectiveness of the District Attorney's Office Language Assistance Services. The review may be done by analysis of current or historical data, surveys of staff and customers, solicitation of feedback from community groups and analysis of changing community demographics.

CONTACTS

The circumstances of contact with the District Attorney's Office may vary widely, and may include victims, witnesses, defendants, and/or the general public. The District Attorney staff must use methods outlined in this policy to provide appropriate language assistance.

COMPLAINTS

The District Attorney's Office shall ensure that LEP persons have reasonable access to language services for the purpose of filing a complaint regarding District Attorney's Office services or actions. The District Attorney's Office shall utilize a District Attorney

Office qualified or authorized employee interpreter or translator, if available, when conducting interviews of LEP complaints. The District Attorney's Office shall make interpretation services accessible and provide certain translated forms and documents, which explain and instruct LEP individuals on the complaint process. The LEP Coordinator should periodically review and update all translated forms given to LEP individuals regarding the complaint process.

DOCUMENTATION OF SERVICE

Whenever any staff of the District Attorney's Office use language assistance services, that staff person will make a note in the case file that the individual is LEP, his or her primary language, and the type of language services utilized. To track this, please click on "Interpreter Needed" in "Case Type". Then in "Case Notes" document who needs the interpreter and what language is needed.

In addition, the Brown County Victim Witness Staff and the Brown County District Attorney Staff maintain a running spreadsheet of the cases where an interpreter has been used to provide services to a victim or witness. The spreadsheet includes the date of service, the case number, language of translation, the duration of services, and a section to include any notation if the quality of service is poor. Staff will ensure that the party receiving service is asked whether they believe the translation service was effective.

AGENCY TRAINING

To ensure that all staff who may have contact with LEP individuals are properly trained, the District Attorney's Office will provide training on this policy and related procedures. This will include how to access District Attorney's Office authorized telephonic and in-person interpreters, and other available resources. Training will be provided annually for all employees.

AUTHORIZED EMPLOYEE INTERPRETER/TRANSLATOR SELECTION/TESTING, QUALIFICATIONS AND TRAINING:

SELECTION/TESTING

District Attorney's Office personnel that possess skills in a language other than English (i.e. bilingual) should be tested to have their skill level identified.

- Staff may volunteer for the duty of an Authorized Employee Interpreter or Translator based on their tested skill level and agency needs.
- New employees that have designated a bilingual skill during the hiring process shall be tested within the employees first three months of employment.

- Those selected for the position of an Authorized Employee Interpreter or Translator shall serve at the pleasure of the District Attorney under the supervision of the LEP Coordinator.
- Employees identified as bilingual will have their language skills assessed by a language testing agency, selected by the LEP Coordinator, which adheres to the standards of the American Council on the Teaching of Foreign Languages (ACTFL) or Interagency Language Roundtable (ILR). Upon completion, the District Attorney's Office shall receive and review the results of the assessment.
- An employee's level of participation in interpretation/translation may be limited by the level of proficiency determined by the assessment testing. This testing will be periodically repeated to determine the employee's ability to communicate information accurately in both English and the target language
- An employee's level of participation in interpretation/translation duties may be enhanced or limited by the level of competency determined by the assessment testing compared to previous testing.

AUTHORIZED EMPLOYEE INTERPRETER/TRANSLATOR SELECTION/TESTING, QUALIFICATIONS AND TRAINING

SELECTION/TESTING

District Attorney personnel that possess skills in a language other than English (bilingual) at a skill level that allows for even basic communication should be tested and their skill level identified.

- Employees may volunteer for the duty of an Authorized Employee Interpreter or Translator based on their tested skill level and agency needs.
- New employees that have designated a bilingual skill during the hiring process shall be tested within the employees three months of employment.
- Those selected for the position of an Authorized Employee Interpreter or Translator shall serve at the pleasure of the District Attorney under the supervision of the LEP Coordinator.
- Employees identified by the LEP Coordinator, that adheres to the standards of the American Council on the Teaching of Foreign Languages (ACTFL) or Interagency Language Roundtable (ILR). Upon completion, the District Attorney shall receive and review the results of the assessment.
 - An employee's level of participation in interpretation/translation may be limited by the level of proficiency determined by the assessment testing.
 - This testing will be periodically repeated to determine the employee's ability to communicate information accurately in both English and in the target language.

- An employee's level of participation in interpretation/translation duties may be enhanced or limited by the level of competency determined by the assessment testing compared to previous testing.

QUALIFICATIONS

Any employee designated by the District Attorney's Office to act as an Authorized Employee Interpreter and/or Translator must:

- Maintain competence in both English and the involved non-English language;
- Have an understanding of the functions of an interpreter and/or translator that allows for correct and effective translation/interpretation;
- Be able to identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation), translating, or can communicate fluently in the target language;
- Have knowledge in both languages of any specialized legal terms or concepts;
- Be willing to account for the accuracy and trustworthiness of the interpretation or translation in a court proceeding;
- Have the ability to understand and adhere to the interpreter role without deviating into other roles such as counselor or legal adviser. The interpreter must not engage in third party Direct "In-Language" communication conversations outside of the understanding of the District Attorney's Office representative.
- Be knowledgeable of the confidentiality, impartiality, and ethical issues involved when acting as a language conduit.

TRAINING

All personnel selected as Authorized Employee Interpreter or Translator shall complete periodic training:

- To understand and adhere to the interpreter and/or translator role without deviating into other roles, such as counselor or legal adviser.
- To understand specialized terminology and ethical considerations.

The LEP Coordinator shall be responsible for coordinating periodic training with the Authorized Employee Interpreter or Translator.

MONITORING AND UPDATING THE LEP PLAN

The District Attorney's Office's language access plan will be reviewed annually, approximately 60 days prior to the annual training, and will be updated as needed. As appropriate, external stakeholders will be solicited for their views and ideas to help

shape the District Attorney's Offices commitment to ensuring victims and witnesses in Brown County have safe, timely and meaningful access to our programs and services. This plan is designed to be flexible, and should be viewed as a work in progress. As such it is important that the review assess:

- Whether there have been any significant changes in the demographics or language needs of the LEP population;
- If additional vital documents require translations; and

Any issues or problems related to serving LEP persons which may have emerged during the past year and identify recommended actions to provide more responsive and effective language assistance. The District Attorney's language access plan will be available to the public and staff in Spanish and Hmong on the Brown County District Attorney's official website at: [insert web link]. LEP persons may obtain copies/translations of the plan upon request. Questions about the language access policy and plan should be directed to the Brown County LEP Coordinator at (920)448-4190.