

Tucson City Court Administrative Policy

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Introduction

Most individuals in the United States read, write, speak, and understand English. However, there are individuals whose primary language is not English. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP." This language barrier may prevent individuals from accessing court services.

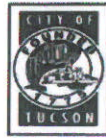
There are two documents that provide the foundation for the development of an LEP plan: Title VI of the Civil Rights Act of 1964, and Executive Order 13166. In order to comply with Title VI, agencies receiving federal funding should take reasonable actions for competent language assistance. Executive Order 13166 clarifies requirements for LEP persons under Title VI. The Executive Order requires the agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services.

Four Factor Analyses

There are four factors for agencies to consider when assessing language needs and determining what steps should be taken to ensure access for LEP persons: 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service; 2) The frequency with which LEP individuals come in contact with the program activity or service; 3) The nature and importance of the program, activity or service provided by the recipient to people's lives; and 4) The resources available and costs. A brief description of the self-assessment undertaken in each of these areas follows.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service.

Spanish speakers are the primary LEP persons likely to be encountered by Tucson City Court. The 2000 Census information for Pima County shows that the total population is 843,700. Spanish is spoken by 179,600 people, or 23% of the population. Of those who speak Spanish, 65,100 people (36%) reported speaking English less than "very well." These Spanish-speaking LEP persons comprise 8% of the total population of Pima County. Other languages spoken were a much smaller proportion of the total population of Pima County (3.5%), and those who identified themselves as LEP persons in these other languages comprise only 1.2% of the total population of Pima County. The 2005 American Community Survey (ACS) for Tucson (conducted by the US Census Bureau) also indicates that Spanish speaking LEP persons are most likely to be encountered, comprising 86% of LEP persons in the City of Tucson, and 10% of the total population.

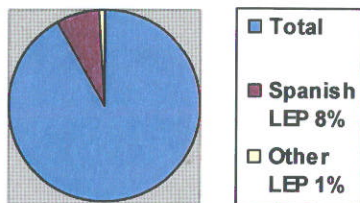


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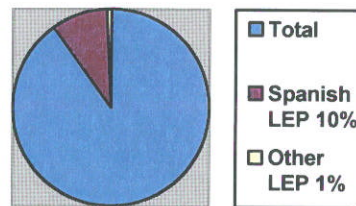
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The following charts illustrate the percentage of Spanish-speaking LEP persons in both Pima County and the City of Tucson.

Pima County Population (2000 Census)



City of Tucson Population (2005 ACS)



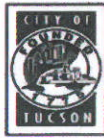
2. The frequency with which LEP individuals come in contact with the program.

Tucson City Court assesses the frequency at which staff has or could possibly have contact with LEP persons. This includes examining census data, phone inquiries, requests for translated documents, and staff feedback. As discussed above, census data indicate that there is a fairly large percentage (10%) of the general population of Tucson who are Spanish-speaking LEP persons. Phone inquiries and staff feedback also indicate that Spanish-speaking LEP persons have regular contact with the Tucson City Court. Enclosure 1 indicates the type of language and frequency of interpreter requirements for criminal cases the Tucson City Court has measured in hours, alphabetically by language.

3. The nature and importance of the program, activity or service provided by the recipient to people's lives.

The Tucson City Court is not necessarily a program, activity, or service which the public seeks access to, with the possible exception of orders of protection and injunctions against harassment. Defendants charged with a misdemeanor or civil violation have an expectation that they will be treated fairly and impartially by the court in their efforts in challenging the charges filed against them. The Tucson City Court must be recognized as a fair, impartial, and neutral arbitrator between the state and citizens in resolving criminal and civil violation charges.

The requirement to provide meaningful access to all proceedings for a LEP criminal defendant is well documented and established by case law, Arizona Rules of Court, and Arizona Revised Statutes. This is normally accomplished by providing a court interpreter to a LEP defendant. Tucson City Court is not required to, but strives to provide interpreters in civil violation cases.



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4. The resources available and costs.

Tucson City Court continually assesses the available resources that may be used to provide language assistance. This includes identifying bilingual staff, reviewing existing City of Tucson contracts for professional translation-services providers, determining which documents should be translated, and deciding what level of staff training is needed.

In accordance with the four factors above, Tucson City Court developed the following plan for providing language assistance to LEP persons.

Components of the Plan

There are five areas that comprise Tucson City Court's LEP plan:

1. Identifying LEP individuals who need language assistance
2. Language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the LEP plan

Identifying LEP individuals who need language assistance

When criminal defendants are cited into the Tucson City Court the citing officer marks a box on the paper or electronic citation indicating that an interpreter is needed; the box indicates Spanish speaker but the citing officer can write in the needed language. The information is then transferred into the automated case management system and is used to schedule the appropriate interpreter. Criminal defendants have their hearings and trials scheduled well in advance and the interpreter needs are well known and reflected not only in the automated case management system but on the court calendar. Should a citing officer not mark that a criminal defendant needs an interpreter, the need would be identified by a magistrate at the initial appearance or arraignment. Interpreters are scheduled for hearings and trials based on the court calendar. Should a defendant need an interpreter and an interpreter has not been scheduled, a call is placed to the contractor who provides one, or the case is continued until an interpreter can be made available.

Civil violation cases are more difficult to provide interpreter services for in advance. Civil violation defendants have the option of appearing on their case at any time during normal operating hours in a 30 day period. When processed on a walk in basis the civil violators usually have a staff member provide translations to assist them in answering their questions. If a defendant in a civil violation case requests a hearing, the need for an interpreter is entered in the automated case management system and an interpreter is scheduled to attend the civil violation hearing.

Staff at the customer service stations (front counter) Orders of Protection and Injunctions against Harassment Unit, and courtroom staff have the "I speak" hand out that allows individuals to select the language they speak from a hand out, assuming they can read in their native language.



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As stated above, the 2000 Census and American Community Survey data indicate that Spanish-speaking LEP persons are the primary group requiring language assistance. This information can also be used to identify concentrations of LEP persons within the jurisdiction of the Tucson City Court service area. As stated the primary language of concern is Spanish. Tucson City Court has our most commonly used forms and bond card translated into Spanish.

Language assistance measures

There are several language assistance measures available to LEP persons, including both oral and written language services. There are also various ways in which Tucson City Court staff responds to LEP persons, whether in person, by telephone, or in writing.

Tucson City Court oral language services include Spanish bilingual staff in our customer service centers that are available most of the time. In addition, written language translation services are available. Documents that are determined to be vital are translated into Spanish and can be translated into other languages as needed.

Customer Service Centers

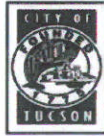
Spanish-speaking callers are directed to a Spanish bilingual Customer Service Representative (CSR). Bilingual CSR staff must demonstrate proficiency and competency and the ability to communicate information accurately in both English and Spanish. Proficiency is determined by the City of Tucson Human Resources Department. Contracted professional services are used to translate more complex and lengthy information, and for immediate LEP customer interactions including sign-language interpretation, which falls under both LEP and ADA. All Customer Service Representatives route customers who wish to make a complaint to their supervisor who after reviewing the issue will either resolve or forward the complaint to Court Administration for appropriate action.

Training Staff

It is important that staff members, especially those having contact with the public, know their obligation to provide meaningful access to information and services for LEP persons. Even staff members who do not interact regularly with LEP persons should be aware of and understand the LEP plan. Training staff is a key element in the effective plan implementation.

The Tucson City Court staff critical to the LEP plan are: Customer Service Representatives (CSRs) courtroom staff, and magistrates. It is the CSRs that have the most frequent contact with LEP persons through daily interaction either in-person or by telephone. LEP training for these groups occurs during their initial department orientation and follow up training. Training topics for these two groups include:

- Understanding the Title VI LEP responsibilities
- What language assistance services are required
- Specific procedures to be followed when encountering an LEP person
- How to use the Census Bureau's "I Speak..." multi-language identification handout
- How to arrange or schedule an interpreter if needed



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Managers and Supervisors of areas that have public contact are crucial in implementing LEP policy. Copies of the LEP plan are distributed to all division managers and supervisors and it is their responsibility to disseminate the LEP plan to appropriate staff. Managers ensure that staff understand the Title VI responsibilities.

Providing notice to LEP persons

There are several ways that Tucson City Court provides notice to LEP persons that language assistance measures are available, through both oral and written communications:

- The Court's automated customer service phone line menu has an automated greeting in both Spanish and English, directing callers to select which language they prefer
- The bond card indicates that interpreting services are available at the Court
- LEP criminal defendants are identified when cited, at time of arrest, or at initial appearance/arraignment.

National Origin Discrimination Complaints

National origin discrimination complaints from LEP persons are reviewed by Court Administration and forwarded to the City of Tucson's Office of Equal Opportunity Programs (OEOP) according to City policy.

Dissemination of the LEP Plan

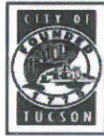
The Tucson City Court's LEP Plan is posted on the Court's website at <http://www.tucsonaz.gov/courts>. Copies of the plan are provided to any person or agency requesting a copy. LEP persons may obtain copies/translations of the plan upon request.

Monitoring and updating the LEP plan

This plan is designed to be flexible, and should be viewed as a work in progress. As such, it is important to:

- consider whether new documents and services are needed for LEP persons
- monitor changes in demographics and types of services provided
- update the LEP plan when appropriate.

At a minimum, Tucson City Court will follow the Title VI Program update schedule for the LEP plan.



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LEP Plan Contact Information

Any questions or comments regarding this plan should be directed to:

Court Administrator
Tucson City Court
103 E Alameda
P.O. Box 27210
Tucson, AZ 85726-7210

Courtweb@tucsonaz.gov
Phone: 520.791.4189
Fax: 520.791.5693