

Fifth Judicial District of Pennsylvania
(Allegheny County)

LANGUAGE ACCESS PLAN

Section I. Legal Basis and Purpose

The purpose of this Language Access Plan (LAP) is to enable the Fifth Judicial District of Pennsylvania (hereafter “District”) to ensure meaningful access to court services for persons with limited English proficiency (LEP) and persons who are deaf or hard of hearing in compliance with Title VI of the Civil Rights Act of 1964¹, 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 The provision of Sign Language Interpreters for deaf and hard of hearing individuals is 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. The Americans with Disabilities Act (ADA) also addresses the needs of deaf and hard of hearing individuals.

A limited English proficient (LEP) 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 court processes. 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 District.

The Language Access Coordinator for the Fifth Judicial District of Pennsylvania is:

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437 Grant Street
Pittsburgh, PA 15219
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The Coordinator is the main contact person for the public, court staff, and the Administrative Office of the Pennsylvania Courts (AOPC) concerning this plan and its implementation.

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.*

Section II. Needs Assessment

A. Statewide Survey

The District will make every effort to provide service to all LEP and deaf or hard of hearing persons who need to access court services as required by law. 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 following list shows the non-English languages, including American Sign Language, ("ASL"), most frequently spoken in this judicial district's physical jurisdiction, based on census data compiled by the Penn State Data Center:

1. Spanish
2. Chinese
3. Italian
4. Other Asian languages
5. German

The 5 most common languages, including ASL, for which interpreters were provided in the Fifth Judicial District for 2012 through 2014, are:

1. Spanish
2. American Sign Language (ASL)
3. Nepali
4. Chinese (Mandarin)
5. Arabic

C. Identification of LEP Persons

Court staff use the following methods to identify LEP persons:

- X - "I Speak" cards
- X - "I Speak" poster
- X - Signage in non-English languages (evaluation of need for signage is currently underway)
- X - Other: Family, friends or other individuals accompany LEP customer

Section III. Language Assistance Resources

A. Interpreters Used In Judicial Proceedings

The Fifth Judicial District offers assistance to LEP and deaf or hard of hearing persons during judicial proceedings and to access court services by providing foreign language interpreters as required by Title VI of the federal Civil Rights Act, the Americans with Disabilities Act, and 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.”⁵ Pursuant to the regulations enacted to carry out Act 172 (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”⁶

The Fifth 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 Program regulations,⁷ and the Guidelines for the Procurement and Appointment of Interpreters issued by the AOPC. Requests for the appointment of interpreters may be made through the District’s website (www.alleghencourts.us), or by contacting the District’s main Court Administrative Office at 412 350-5419 or 412 350-4044.

The AOPC 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.⁸ 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 a judicial district is unable to locate a certified, otherwise qualified or registered interpreter on the statewide roster, then a judicial district should contact AOPC ICP staff for guidance.

⁵ 42 Pa. Cons. Stat. § 4401.

⁶ 204 Pa. Code §221.201(a)(4).

⁷ 204 Pa. Code §221.

⁸ <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster>

B. Language Services beyond Judicial Proceedings

The judicial districts are also responsible for taking reasonable steps to ensure that LEP persons have meaningful access to all court services, once LEP court users as been identified using the resources listed in section II(C), above. This is one of the most challenging situations facing court staff, because in many situations they will encounter LEP persons without an interpreter present. LEP persons may come in contact with court personnel via:

- X - Telephone
- X - Counter
- X - Information desk
- X - Other: Initial appearance at court proceedings, meetings with court staff or at court offices.

Once court staff has identified LEP individuals utilizing the resources identified in II(C), the following language assistance services can be provided:

- X - Telephonic Interpretation Service (e.g., Language Line, or similar service)
- X - Video Remote Interpreting
- X - Bilingual employees
- X – Other: In-person interpreter services

C. Forms & Documents

1. Statewide - The Administrative Office of Pennsylvania Courts (AOPC) makes select translated forms available to the courts and public on its website.⁹
2. Judicial District - The 5th 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 5th Judicial District follows the guidelines established in the National Center for State Courts' Guide to Translation Practices.¹⁰ Additional translated forms available to court users include:

Translated documents:

- Various criminal court forms
- Certain court orders and forms may be translated upon request of parties
- Other forms are in process of being translated

⁹ <http://www.pacourts.us/forms/for-the-judiciary/>.

¹⁰ <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>.

D. Other Provisions

In an effort to provide LEP persons language access to court information, the Fifth Judicial District is also evaluating options for translating website content and providing signage in court facilities.

Section IV. Training

The Fifth Judicial District will work with the AOPC to ensure that all staff members are informed of LEP policy and procedure, and receive any needed training. District staff will be trained 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. The District will also continue to collaborate with local language service providers and other agencies that work with the District to ensure that LEP individuals involved in the justice system have appropriate and effective language assistance as required in judicial proceedings and to access court services.

Section V. Public Notification and Evaluation of Language Access Plan

A. Language Access Plan Approval and Notification

The Fifth Judicial District's LAP has been approved by the AOPC and the LAP will be posted on the District's public website and/or public notification area within the courthouse. The District 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 Attorney's Office, the Public Defender's Office, the Department of Human Services, and the local legal aid office.

The Fifth Judicial District consulted with the following members of the community to improve its language access services and to gather information that assisted in the development of this LAP:

- Allegheny County Department of Human Services-Immigrants and Internationals Advisory Council (Language Access Committee)
- Representatives from local social service agencies that serve LEP clients
- Attorneys representing various agencies such as Children, Youth and Families, KidsVoice, Allegheny County Law Department, Office of the Public Defender, District Attorney's Office
- Local interpreters/language assistance service providers
- Community advocacy organizations

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:

- Increase in number of LEP and deaf or hard of hearing persons requesting court interpreters or

- language assistance
- Funding provided or available for languages services
- Current language needs to determine if additional services or translated materials should be provided
- Feedback from LEP and deaf or hard of hearing communities and stakeholders within the judicial district
- Court staff (turnover, new hires, etc.)
- Feedback from trainings provided by the judicial district or AOPC
- Viability of identified language services and resources
- Problem areas and corrective action strategies
- Updated census data

The Language Access Coordinator for the District works to ensure this Plan is updated and followed, and coordinates provision of language access services for the District. The District will notify the AOPC of any changes to the Language Access Coordinator's contact information, or if a new Coordinator is named. Any revisions to the LAP will be communicated to all court personnel, and an updated version of the Plan will be posted on the District'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 Fifth Judicial District when he or she believes that the 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 Coordinator shall:

- Utilize a 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 District's website

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.

All complaints should be forwarded to:

Lisa Herbert, Deputy Court Administrator
300 Frick Building, 437 Grant Street
Pittsburgh, PA 15219
Email: lherbert@alleghecourts.us
Phone: 412 350-4044
Fax: 412 350-5083

LAP Effective Date: _____

Date: _____ Language Access Coordinator Signature: _____

Date: _____ President Judge Signature: _____