

# Limited Access Plan

Municipal Prosecutors Office

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Municipal Prosecutor Office Access Representative

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## I. INTRODUCTION

The Municipal Prosecutors Office has the responsibility to ensure that all individuals including defendants, victims, and parties to criminal cases are able to communicate information pertaining to a criminal case, can understand our polices, receive handouts, and get information in a manner that is not discriminatory, regardless of race, color, national origin, or sex (gender). The Municipal Prosecutors Office strives to fulfill this obligation.

Title VI of the Civil Rights Act of 1964, 42 U.S.C 200d, et seq., and its implementing regulations provide no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the Municipality of Anchorage.

### PLAN SUMMARY

The Municipal Prosecutors Office has developed and implementing this Language Access Plan to help identify reasonable steps to provide language assistance for Limited English Proficient (LEP) persons seeking any information, and or wanting to communicate information to this office as required by the Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

In order to prepare this plan, the Municipal Prosecutors Office is using the four-factor LEP analysis which considers the following factors:

1. The number of proportion of LEP persons in the service area who may be served by the Municipality of Anchorage.
2. The frequency with which LEP persons come in contact with Municipal Prosecutors Office services.
3. The nature and importance of services provided by the Municipal Prosecutors Office to the LEP population.
4. The interpretation services available to the Municipal Prosecutors Office and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

## II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

### 1. The number of proportion of LEP persons in the service area who may be served or are likely to require Municipality of Anchorage Services.

The Mayor’s Language Access Liaison examined the U.S. Census Bureau’s 2009-2013 American Community Survey, Table B16001 “ Language Spoken at Home by Ability to Speak English for the Population 5 years and Over.” Through an analysis of population sorted by census tracts within the Municipality of Anchorage, it was determined that approximately 6.2% of the Anchorage population (17,050 individuals) speak English “less than very well.” It should be noted that “less than very well” is inclusive of responses indicating they spoke English “not well,” and “not at all.”

**Table 2**  
**Populations Exceeding the LEP Safe Harbor Threshold**  
**(5% of total population or 1,000 individuals – whichever is less)**

<b>Primary Language Spoken</b>	<b># of Individuals</b>	<b>% of Population</b>
Tagalog	3881	1.4
Spanish or Spanish Creole	3287	1.2
Hmong	1687	0.6
Korean	1539	0.6
*Other Pacific Island Languages	1379	0.5

\* "Other Pacific Island Languages" includes, but is not limited to: Chamorro, Hawaiian, Ilocano, Indonesian, and Samoan

### 2. The frequency with which LEP individuals may come in contact with the Municipal Prosecutors Office.

The Municipal Prosecutors Office has interactions with individuals who speak English as a second language regularly. These individuals include victims, witnesses, and defendants which some may not speak English as a primary language. However, support staff and prosecutors utilize a variety of strategies to convey information including *LanguageLink* interpretation services.

The Prosecutor’s office log shows 76 calls through *LanguageLink* since they began using its services in 2016. The primary language encountered by staff were Spanish, Samoan, Korean, and Russian.

### 3. The nature and importance of services provided by the Municipal Prosecutors Office to the LEP population.

The ability to effectively communicate with the public is essential as to ensure that any and all information from individuals pertaining to any criminal cases is communicated and received to our office.

It is critical that individuals are able to communicate information to our office as well as receive information so that they are able to participate in the judicial process whether that is a court hearing or a criminal trial.

**4. The resources available to the Municipal Prosecutors Office, and overall costs to provide LEP assistance.**

The Municipal Prosecutors Office reviewed its available resources that could be used for providing LEP assistance and which documents would be most valuable to be translated if the need should arise. The Municipal Prosecutors Office will use Language Link for telephonic interpretation services, the Alaska Institute for Justice-Language Interpreter center for in-person interpretation and will seek quotes for necessary translation from both entities. Currently, Language Link does not provide services in any Alaska Native Language, so we will exclusively use the Language Interpreter Center for these needs.

## **II. LANGUAGE ACCESS PLAN OUTLINE**

### **A. Identification of a LEP Person who needs language assistance services**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the Mayor's Office services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

#### **How the Prosecutor's Office staff may identify an LEP person who needs language assistance:**

- Signage about language services in different languages
- "Point to Your Language" Posters
- Self-identify as needing an interpreter
- Assessed and trained bilingual staff to assist
- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- Language Link materials and instructions will be placed in specific areas where interviews and/or meetings with victims, witnesses, defendants, or outside attorneys take place. This will allow the prosecutor if encountered by an LEP individual to utilize and provide the resources of Language Link to that specific LEP individual.
- Survey frontline staff of any direct or indirect contact with LEP

individuals.

## **B. Language Assistance Measures**

Although the Prosecutor's office has been using Language Link and the Language Interpreter Center since 2016, a recording and reporting mechanism will be implemented in July 2017. Invoices from both vendors assist in providing this information.

1. The Prosecutor's Office staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The Following resources will be available to accommodate LEP persons:
  - i. "Point to Your Language" posters and brochures will be in easy view of the front desk.
  - ii. Language Link brochures with iSpeak language identification and instructions for use will be given to all Prosecutor's office employees and interns
  - iii. Staff will be trained on how to identify language of LEP through use of "Point to Your Language" cards or through assistance of Language Link operator
  - iv. Staff will utilize Google Translates for quick assistance if a LEP person requires assistance with a document. Determination will be made for long documents if paid translation is to be pursued.

## **III. Staff Training**

The following training will be provided to all staff

- Information on Title VI Policy and LEP responsibilities
- Description of the Language assistance services that are offered to the public.
- Use of the "Point to Your Language" cards and posters
- Documentation of language assistance requests
- How to handle a potential Title VI/LEP complaint
- Working with an interpreter
- Specifically noting that staff are prohibited from asking for citizenship status of any individual.

**All contractors or subcontractors performing work for the Municipality of Anchorage will be required to follow the Title VI/LEP guidelines.**

## **IV. TRANSLATION OF DOCUMENTS**

- If necessary documents needing translation, services will be received from both vendors to ensure clarity for the LEP individual.
- Documents will be translated on an as needed basis.

- So far we currently have three documents that have been translated which include Prosecutor Office Discovery Request, Consent for Contact, and a Restitution Estimate Form. Currently we are awaiting on a price quote for these documents.

## V. MONITORING

**Monitoring and Updating the LAP Plan-** the Prosecutor’s Office will update the LAP Plan as required. At a minimum the plan will be reviewed annually and updated with data points from the following year, and incorporate any new U.S. Census data as available. Updates will incorporate data gained from the reporting tool and staff observation, including:

- The number of documented LEP persons encountered in previous year
- Determination of the current LEP population in the service area
- How the needs of LEP persons have been addressed
- Determination as to whether the need for translation services has changed
- Determine of whether local language assistance programs have been effective and sufficient to meet the need
- Determine of whether the Prosecutor’s office financial resources are sufficient to fund language resources as needed
- Determine of whether the Prosecutor’s office fully complies with the goal of this Language Access Plan
- Determine of whether complaints have been received concerning the agency’s failure to meet the needs of LEP individuals

## VI. DISSEMINATION OF PROSECUTOR’S OFFICE LANGUAGE ACCESS PLAN

- Post signs at front reception desk notifying LEP persons of the LAP Plan and how to access and utilize language services
- Includes the LAP with its Title VI Policy and Complaint Procedures. The Notice of Rights under Title VI to the public is posted at the front receptionist desk and on the Department’s website at [www.muni.org/LegalDepartment/MunicipalProsecutor](http://www.muni.org/LegalDepartment/MunicipalProsecutor)
- Copies of the LAP will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies and/or translations of the plan upon request. Any questions or comments regarding this plan should be directed to:

Municipal Prosecutors Office Access Designee Representative

Richard Stuller

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(907) 343-4250

AND

Municipality of Anchorage Mayor's Office

Language Access Liaison

Amy Coffman

P.O. Box 196650 Anchorage, AK 99519-6650

907-343-7112 (phone)

coffmanaj@muni.org

**Language Access Services Complaint Process:**

- The complaint process will be included in the posted notification of the right to an interpreter
- The Department Language Access Representatives will notify individuals of the complaint procedures and notification in languages most encountered;
- A complaint regarding the denial of language accessible services, or regarding the quality of language accessible services, including interpreters or translated materials, may be made in person, or in writing;
- The complaint should specify the date, individuals involved, and the nature of the client (i.e. the interpreter was summarizing, or a LEP individual was denied services because they did not bring their own interpreter);
- All complaints will be directed to the Mayor's Language Access Liaison, who will timely respond and make recommendations for corrective action, if needed;

Complaint form can be found online at:

[https://moa\\_onlineforms.formstack.com/forms/language\\_access\\_complaint](https://moa_onlineforms.formstack.com/forms/language_access_complaint)

Hard Copies will be available at the front desk and will be translated into Spanish, Tagalog, Korean, Hmong, Samoan and Yup'ik

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

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## VIII. DEFINITIONS

- A. Essential Public Information: Any information used by a department when dealing with the public which is necessary to accomplish the department's mission and with respect to public safety, public health, and economic development.
- B. Department Language Access Representative: The employee designated by the department director to be responsible for the department Language Access Plan (LAP) program.
- C. Four Factor Analysis: The procedure to determine the level of need for language services by documenting: 1) the number and proportion of LEP persons as reported by the most recent census; 2) the frequency with which LEP persons visit various MOA locations; 3) the nature and kind of programs or activities LEP persons use; and 4) the available resources and overall costs for LEP services.
- D. Frontline: Applies to departments and/or personnel that have regular and substantive contact with the public via in person or telephonic communication. See addendum for MOA organization chart with highlighted departments required to have written Language Access Plans.
- E. Interpretation: The immediate spoken communication of meaning from one language (the source language) to another (the target language).
- F. Interpreter: A person who is bilingual or multilingual and possesses the ability to successfully convey a message from one language to another through oral communication.
- G. Language Access Plan (LAP): Department specific documents outlining the procedures and practices that the department will implement to provide language access services to LEP individuals.
- H. Limited English Proficient (LEP): Someone who is not able to speak, read, write or understand English at a level that allows the person to interact effectively with department staff. Individuals maintain the right to self-identity as a LEP person and should not in any circumstances be expected to pay for translation or interpretation services in order to effectively communicate with the department.
- I. Mayor's Language Access Liaison: The employee designated by the Mayor to support the LAP program and to support the Department Language Access Representative.
- J. Telephonic Interpretation: A service that connects human interpreters via telephone to individuals who wish to speak to each other but do not share a common language. The telephone interpreter converts the spoken language from one language to another, enabling listeners and speakers to understand each other. Interpretation over the telephone most often takes place in a consecutive mode, which means that the interpreter waits until the speaker finishes an utterance before rendering the interpretation into the other language.

- K. Translation: The written communication of meaning from one language (the source language) to another (the target language).
- L. Translator: A person who is bilingual or multilingual and possesses the ability to translate from one language to another in written form.