



U.S. Department of Justice

Civil Rights Division

*Federal Coordination and Compliance Section
950 Pennsylvania Ave, NW-NWB
Washington, DC 20530*

Mr. Kip Anderson
Court Administrator
Superior Court of Arizona, Mohave County
401 East Spring Street
P.O Box 7000
Kingman, AZ 86402

Re: Complaint No. 171-8-23
Castaneda v. Superior Court of Arizona, Mohave County

Dear Mr. Anderson:

This letter completes our formal engagement with the Mohave County Superior Court (MCSC) in which we addressed a complaint filed under Title VI of the Civil Rights Act of 1964 regarding the provision of language assistance services in Mohave County court proceedings. From the beginning, your office has been extremely cooperative and responsive to our inquiries and requests for commitments to compliance. We appreciate your leadership and that of Presiding Judge Gurtler in resolving this matter.

Background

On June 12, 2013, the Federal Coordination and Compliance Section in the Civil Rights Division of the United States Department of Justice (FCS) received a complaint from a nonprofit organization on behalf of a Spanish speaking limited English proficient (LEP) court user in Mohave County, Arizona. The complaint alleged that MCSC was violating the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964 by refusing to provide an interpreter free of charge in all cases.

During our initial communications via telephone and e-mail, you and presiding Judge Gurtler assured FCS that MCSC would provide interpreters at no cost to all LEP court users, including the individual named in the complaint. FCS memorialized our conversations in a September 10, 2013 letter proposing a framework for continued collaboration to achieve our common goal: providing meaningful access to all LEP individuals in MCSC proceedings and operations.

On September 25, 2013, you accepted the proposals on behalf of MCSC and agreed to provide FCS with two written updates reporting on actions to improve outreach, planning, and implementation for court language services. Consistent with our agreement, MCSC provided these reports on December 12, 2013 and November 24, 2014. In addition MCSC agreed to amend the Superior Court Language Access Plan to reflect that court interpreters would be provided free of charge in all criminal and civil proceedings for all LEP parties, witnesses,

victims, or anyone with an interest in the matter. MCSC submitted the initial Language Access Plan update to FCS on December 12, 2013, and a subsequent update on November 24, 2014. Thank you for submitting the reports, updating your Language Access Plan, and working with my staff during this engagement. Below we summarize our collaboration and the work we accomplished together.

Accomplishments

During the agreement period, September 25, 2013 to present, MCSC accomplished the following:

1. Provision of Interpreters in Court Proceedings and Services, Free of Charge to LEP Court Users

In accordance with our agreement, MCSC took immediate steps to provide interpreter services in all court proceedings free of charge regardless of case type, court user income, or language to all LEP parties, witnesses, victims, and anyone with an interest in a matter. In addition to notifying judges of their obligation to provide interpreters free of charge in all court proceedings, MCSC also memorialized the policy in court documents, including the new Language Access Plan, which states:

Interpreters will be provided at no cost to all LEP court customers (including witnesses, victims and parents/guardians) who need assistance and any other person as determined by the judicial officer who needs such assistance in all courtroom proceedings. This includes all court services, probation services and all mandatory programs.

Superior and Limited Jurisdiction Court Policy, Mohave County, 4.03 Language Access Plan at Section III(A)(1).

2. Court Interpreter Availability and Quality

MCSC uses contract interpreters to provide interpretation. Arizona currently does not have a statewide testing and certification program for interpretation, but the Administrative Offices for the Courts (AOC) is considering options for developing one. In order to ensure quality and accuracy of interpretation, MCSC encourages all contract interpreters who have not yet obtained certification in another state to do so. In addition, MCSC has identified online training programs and explored opportunities to adopt in-house training from the New Mexico court system, and self-training and practice tools from the University of Arizona's National Center for Interpretation. MCSC plans to purchase and provide quality materials to further enhance interpreting skills in the coming year.

At the time of our agreement, MCSC was in the process of working with the Arizona AOC's video remote services for the court in an effort to take advantage of available certified interpreters in other parts of the state. In the year-and-a-half since, MCSC has made progress in establishing remote interpreting as a viable option when appropriate. On September 13, 2013, MCSC installed new video remote equipment in the Kingman courthouse, including a video system, sound system, high definition cameras, distribution amplifiers, video conference head

sets, courtroom desktop monitors, integration into existing systems. MCSC uses interpreters provided by the Arizona AOC as remote interpreters, and plans to consider additional options when an interpreter may not be available through the AOC. To cement the new procedures and protocols, MCSC developed a Video Remote Interpretation Policy that includes information about scheduling interpreters, appropriate times to use video remote interpreting, suggested consent language, and what to do the day of the hearing. MCSC trained new staff on these policies and procedures.

Ensuring that interpreters—including those who appear remotely—provide high quality, professional, and accurate interpretation will remain essential to ensuring meaningful access to LEP court users and the effective administration of justice.

3. Language Service Outside the Courtroom

MCSC's Language Access Plan recognizes its responsibility to ensure that LEP individuals have meaningful access to services outside the courtroom, including routine contact with court personnel, court-ordered mediation, and treatment or educational programs provided by the court or under contract with the court. Language Access Plan at Section III(B). To facilitate communication between LEP individuals and court staff, MCSC uses independent interpreter contractors, bilingual employees, "I Speak" cards to identify the individual's primary language, multilingual signage throughout courthouse locations, forms translated into Spanish on the Court's webpage, and telephonic or video interpreter services.

MCSC is also conducting video tests using a telephonic interpretation company via tablets at clerk counters. We look forward to hearing more about how this technology is working, and how it compares to the existing non-video, over-the-phone language services.

MCSC has enhanced its website to make it easier for the LEP community and the general public to access important information. For instance, shortly after our agreement, MCSC began the process of accurately translating its website. To date, MCSC has provided links to the Arizona Supreme Court's Spanish self-service center, translated law library information into Spanish, and made the limited jurisdiction courts e-payment system available in Spanish. MCSC continues to work with staff from the AOC to expand the number of available forms in both the general and limited jurisdiction courts. LEP court users should be able to find these forms not only online but also in courthouses where members of the public can easily access them.

FCS understands the need to prioritize the translation of additional forms and web information into Spanish because that it is the largest non-English language spoken in Mohave County and in the State of Arizona. However, we continue to encourage Mohave County and the State of Arizona to translate vital forms and web information into more languages. Across the State, there are significant numbers of Navajo, Chinese, Vietnamese, and Arabic LEP persons. In addition, in Mohave County, Punjabi ranks fourth in most frequently needed languages for court interpretation. Currently, court interpreters provide sight translations of court documents and correspondence associated with a case. To ensure consistency in translations and efficiency in the courts, the Mohave County courts should consider translating the most common forms into additional high frequency languages.

4. Training Staff on Language Access Plans, Policies, and Procedures

MCSC has taken significant steps to increase staff exposure to and understanding of language services for LEP court users. MCSC has implemented a number of trainings for all staff, including training at new staff orientation and at the semi-annual and annual all-staff trainings. The April 2014 and February 2015 annual staff trainings included a discussion of the fundamentals of language access, as well as tips and resources for staff working with LEP individuals. MCSC has committed to continue these trainings. In addition, MCSC highlights language access policies and procedures in judicial officer orientation on the use of court interpreters and language competency, a state language access DVD, diversity training, cultural competency training, and new employee orientation training.

5. Greater Outreach with Community Organizations

Regular communication with stakeholders in the community is key to determining the effectiveness of a language access program, both because it ensures that LEP individuals and their representatives understand and can access their rights to language services, and also to give stakeholders and opportunity to raise concerns, propose solutions, and engage constructively with the court. MCSC indicates that it has made outreach a priority and holds regular meetings with Legal Services to discuss issues encountered with the provision of language services in the courts.

Additionally, MCSC has begun including on the agenda of the Criminal Justice Coordinating Council, which you chair, a discussion about interpreter services and how best to serve the LEP community of Mohave County. These meetings include local law enforcement agencies and other justice partners.

The Language Access Plan states that the “court will solicit input from the LEP community and its representatives through outreach and will seek to inform community service organizations on how LEP individuals can access court services.” Language Access Plan at Section VI. To the extent not already done, we encourage the Mohave County courts to include public defenders, the private bar, and additional community based organizations in its outreach.

Additionally, MCSC created a new complaint process that include a new form to make sure that LEP court users can raise concerns and have them formally addressed. MCSC translated the complaint form into Spanish and plans to translate it into additional languages. MCSC should make these forms readily available to all court users both online and in common areas of the courthouses.

Conclusion

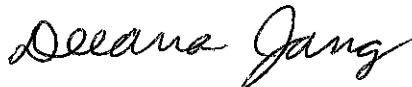
In light of the improvements that MCSC has made, we are prepared to formally close the Civil Rights Division’s review of the above-referenced matter upon receipt of your acknowledgement, memorialized below, of your continuing commitment to compliance with Title VI, including the requirement to provide interpretation in court proceedings, free of charge

to LEP individuals, and to ensure meaningful access to court operations.

Please note that this letter addresses only the matters discussed in this correspondence and should not be construed to cover any other issue regarding the Mohave County Superior Court's compliance with Title VI, the Safe Streets Act, or any other law enforced by the Department of Justice. Nor does the closing of our review affect any rights that the complainants may have to file a private lawsuit in a court of law. Nothing in this letter prevents the Department of Justice from initiating an investigation or compliance review in the future, if such action is warranted.

In closing, thank you for your cooperation throughout this investigation. We would welcome continuing informal opportunities to discuss any future implementation success, concerns, and your annual language access plan updates. If you have any questions regarding this letter, please contact Ms. Andrea Plewes at (202) 353-4107 or Andrea.Plewes@usdoj.gov, or Principal Deputy Chief Christine Stoneman at (202)-616-6744 or Christine.Stoneman@usdoj.gov.

Sincerely,



Deeana Jang
Chief
Federal Coordination and Compliance Section
Civil Rights Division

As the Civil Rights Division, United States Department of Justice, closes its review of the Mohave County Superior Court's provision of language assistance services in state court proceedings and operations, Complaint Number 171-8-23, the Mohave County Superior Court agrees to continue its commitment to compliance with Title VI and implementing regulations, including the requirement to provide interpretation in court proceedings, free of charge to LEP individuals, and to ensure meaningful access to court operations.



Kip Anderson
Court Administrator
Mohave County Superior Court

cc: Ms. Diana L. Varela, Chief
Civil Division, U.S. Attorney's Office
District of Arizona