

Santa Clara County Probation Department  
Language Access Plan

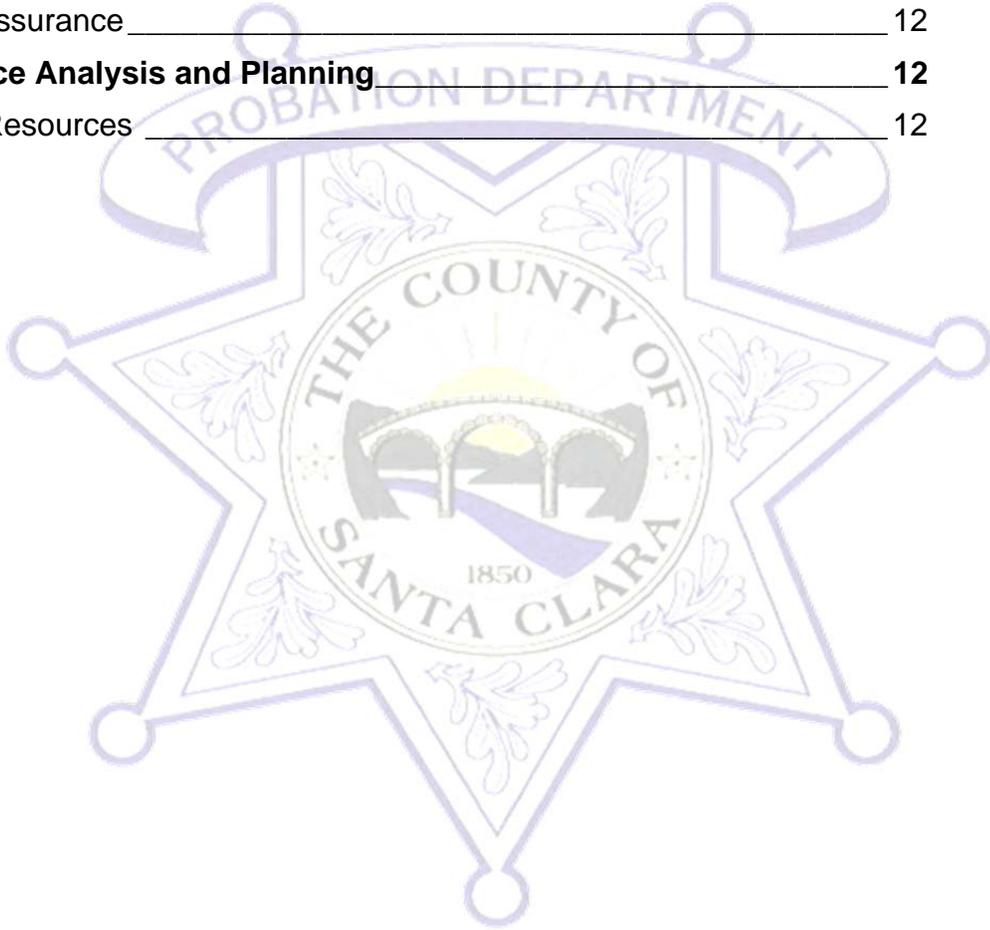
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**January 17, 2013**

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## **I. Agency Vision, Mission and Background**

### **Vision Statement**

The employees of the Santa Clara County Probation Department are committed to being nationally recognized as leaders in Probation Services. We strive for excellence by creating safe and healthy communities, positive change and lasting impacts.

### **Mission Statement**

The Mission of the Department is to promote community safety by implementing proven strategies which enhance and support:

- Positive change in our clients, families and neighborhoods
- Reparation of the harm caused by criminal behavior
- Exemplary conditions of secure care

### **Background**

Probation is a public safety agency and provides services to clients and their families based on referrals from law enforcement or the Courts. Our clients are individuals who have come into contact with the justice system and are required by the Courts to receive services through Probation. We provide assistance to the Courts in making its decision about how to best serve clients, and we implement the Court's probation orders, ensuring that clients and families follow all of the Court's orders.

The Probation Department is comprised of several divisions, including Administrative Services, Adult Services, Information Services, Institutions Services, Juvenile Services and Training Services. Direct client services are provided by the Adult, Institutions and Juvenile Services Divisions.

The Adult Services Division provides case investigation and sentencing recommendations directly to the Courts, and provides assessment, case management, treatment and supervision services for adult clients on probation, serving approximately 30,000 clients annually.

The Institutions Services Division includes Juvenile Hall and our juvenile rehabilitation facility the William F. James Boy's Ranch. All institutions provide 24-hour, 7-day-a-week supervision of juveniles, serving approximately 2,000 juvenile clients annually.

The Juvenile Services Division delivers county-wide early intervention services and provides investigation, placement and supervision services through specialized units, serving approximately 10,000 juvenile clients and families annually.

## **II. Agency Language Access Goals (Institutions and Juvenile Services Divisions)**

### **Meaningful Access**

As a recipient of federal financial assistance, Probation is subject to the civil rights requirements contained in Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) and their implementing regulations, which prohibit, among other things, national origin discrimination in its programs and activities. Under these laws, Probation has an obligation to take reasonable steps to ensure that limited English proficient (LEP) individuals have meaningful access to its services and benefits. An LEP person is someone who does not speak English as their primary language and has 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 may still be LEP for other purposes (e.g., reading or writing).

The Probation Department is required by law to conduct Pre-Sentence/Dispositional Investigations and to supervise individuals granted probation by the Courts. Basic to our business is the ability of our officers and representatives to communicate clearly with probationers. This is particularly important when discussing issues that may affect a person's freedom. To demonstrate its commitment to compliance with Title VI and the Safe Streets Act and to ensure that clear communication occurs between Probation employees and LEP individuals, the Department developed this language access plan. The broad purpose of the plan is to identify the reasonable steps that the Department is taking to ensure that LEP individuals have meaningful access to all of its services and benefits. Our goal is that our employees communicate clearly with clients and families so they understand what is expected of them.

### **Current Policy**

Under our language access plan, the Department communicates with LEP persons in their primary language, which ensures that all probationers and their families receive important information that affects their lives. An LEP person's primary language is the language in which an individual most effectively communicates with others. The Department provides free language assistance services to clients, their families and other involved parties, including victims and witnesses, which result in accurate, timely, and effective communication. Where English is not a person's primary language, our policy requires the use of qualified oral language assistance wherever possible, including reliance on internal bilingual employees or external contracted interpreter services. We do not allow the child of a client or another person who is involved with the justice system to be used as an interpreter. The Department is also committed to providing effective written language assistance to LEP individuals, such as through the translation of written materials.

## Existing Language Assistance Services

Probation has been providing language assistance services to its clients for several years. Language assistance services are all interpretation and translation services provided by employees, volunteers or contractors to an LEP person in their primary language to ensure their ability to communicate effectively with Probation personnel or contracted service providers. Interpretation is the act of listening to spoken words in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

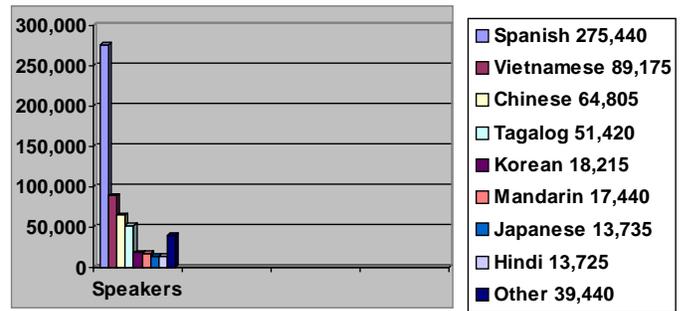
- Within our Institutions and Juvenile Services Divisions, we have 129 full-time bilingual employees providing in-language, interpretation and sight translation services primarily for our Spanish- and Vietnamese-speaking populations. This corps of bilingual employees provides immediate support to all Probation clients and the families of juveniles receiving juvenile services located at primary and satellite locations. These employees are certified by the County's Department of Human Resources to provide either oral only or both oral and written language assistance and receive bilingual pay differentials for their foreign-language skills. The Department maintains a list of these employees, which it will make available to Probation personnel, as noted in Section IV of this plan.
- We provide two contracted certified language assistance resources for Probation employees to access when communicating with LEP individuals. First, Probation has a contract with Language Line Services to provide telephonic interpreter services. Second, Probation has a contract with the Santa Clara County Superior Court's Court-Certified Interpreters Program to provide certified interpreter services for telephonic and in-person communications. The Department maintains contact information for both of these contracted services, which it will make available to Probation personnel, as noted in Section IV of this plan.
- We utilize our corps of bilingual employees to translate vital documents. Document translation for languages other than Spanish and Vietnamese will be handled through contracted resources.

### III. LEP Population Assessment

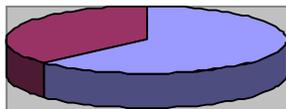
#### Methodology for Language Assessment

Santa Clara County (SCC) Probation Department has been able to determine the languages most spoken by this County's population (Table 2) by using Census data. The top four languages spoken are Spanish, Vietnamese, Chinese and Tagalog (Table 1).

**SCC LEP Population 2010\***



#### Santa Clara County Population



Native Population	1,124,817
Foreign-born Population	662,877
Total Population	1,781,642

\*Table 1, SCC Limited English Proficient Population by Language – Figures from U.S. Census Bureau 2010

The Department used the information in Tables 1, 2 and 3 to identify Spanish, Vietnamese, Chinese and Tagalog as those foreign languages in which Probation will display written instructions.

\*Table 2, SCC Limited English Proficient Population by Nativity – Figures from CDC Emergency Risk Communications 2007

Santa Clara County Population Statistics by City*			
Region	Total Population	Foreign-Born Population	Language Other Than English Spoken at Home
Campbell	39,349	20.4%	28.9%
Cupertino	58,302	48.9%	62.0%
Gilroy	48,821	25.4%	46.1%
Los Altos	28,976	23.7%	27.8%
Los Altos Hills	7,992	28.3%	33.2%
Los Gatos	29,413	16.9%	20.8%
Morgan Hill	37,882	20.5%	35.1%
Milpitas	66,790	49.6%	62.6%
Mountain View	74,006	39.7%	46.6%
Palo Alto	64,403	31.19%	37.6%
San Jose	945,942	38.6%	38.6%
Santa Clara	116,468	39.4%	49.1%
Saratoga	29,926	33.7%	40.2%
Sunnyvale	140,081	43.9%	52.9%

\*Table 3 – SCC LEP Population per City – Nativity and Non-English. Figures from U.S. Census Bureau 2010

### IV. Implementation Plan Logistics

#### Organizational Commitment

Probation's language access plan will be partially implemented by February 28, 2013 and fully implemented by June 30, 2013. To date, the Department has achieved established benchmarks related to the provision of telephonic and in-person interpretation services.

### **General Roles and Responsibilities**

- Our senior and mid-level Managers and line-staff Supervisors are responsible for making sure that Probation employees comply with our policy to communicate with probation clients, their families and other involved parties, including victims and witnesses, in their primary language.
- The Administrative Support Officer – Juvenile Services monitor the use of our language assistance contracts, monitor contracted service providers to evaluate their provision of language assistance services to LEP individuals, ensure that language identification information is posted and available Department-wide, review the Department's list of qualified bilingual employees and review the Department's inventory of written materials to ensure documents are translated in appropriate languages.
- The Administrative Support Officer – Juvenile Services for Probation will function as the Language Access Coordinator and will oversee the Department's oral and written language access efforts, receive and evaluate regular usage reports from our vendors and/or Fiscal Unit, maintain records related to the use of our language assistance services, work with other senior Managers to annually review and update the language access plan and collaborate with the community on the Department's language access efforts.

### **Specific Action Items**

#### Data Collection

The Department will collect data from the following three sources, which will allow it to monitor access-need trends among LEP persons and assist it in identifying deployment needs for additional or different language resources.

#### 1. Contracted Language Assistance Services

No later than April 1, 2013, the Department will begin collecting pertinent data on our contracted language assistance services. The Department has already taken steps to redesign its internal databases to capture this necessary data and will complete this activity by June 30, 2013.

#### 2. Bilingual Employees Assigned to Institutions and Juvenile Services Divisions

No later than April 1, 2013, the Department will begin capturing data on when its bilingual employees provide interpretation or sight translation assistance to LEP persons.

### 3. Juvenile Case Management System

Probation has a juvenile case management system (JAS) that allows us to track the primary language of our clients and families. No later than April 1, 2013, Probation will expand JAS to capture all requests made for interpretation and translation assistance.

#### Dissemination of Information on Language Assistance Services to Employees and Service Providers

- No later than April 1, 2013, Probation will place on its Intranet detailed procedures for employees on how to obtain (1) language assistance from its pool of bilingual employees, (2) contracted telephonic language services through Language Line Services and (3) contracted telephonic and in-person language services from the Court-Certified Interpreter Program.
- No later than April 1, 2013, Probation will make available to all employees its list of bilingual employees working in the Department. The list will include the employees' name, bilingual language, contact information, work location and work hours.
- No later than May 31, 2013, Probation will provide the "Language Identification Card" on our existing internal electronic bulletin board. Probation employees will be able to easily view and show it to Probation clients and families through the computers in our interview/reception areas.
- No later than May 31, 2013, Probation will fully implement its language access monitoring protocols for contracted service providers.

#### Notification to Public of Available Language Assistance Services and Language Access Complaint Process

- No later than May 31, 2013, Probation will place "Language Identification Card" posters clearly in all of our waiting areas where the Department receives clients and families. These public notices will inform clients about our free language assistance resources.
- No later than May 31, 2013, Probation will post its language access plan and related information, including its process for handling language access complaints, on the Probation Web site.

#### Document Translation

- No later than April 1, 2013, Probation will identify its vital documents and translate them, including its procedures and forms related to its Citizen's Complaint and

Grievance processes, into those languages, other than Spanish and Vietnamese, that are identified in our language assessment.

### Training

- No later than May 31, 2013, Probation will develop and implement appropriate training programs on language access issues for new employees, existing employees and Managers and Supervisors.

### Eliciting Feedback from Clients and Community

- No later than October 31, 2013, Probation will gather information from youth on probation, those receiving services out of custody, and youth in custody on the effectiveness of its language access resources.
- No later than October 31, 2013, Probation will gather information from community-based organizations on the effectiveness of its language access resources.

## **V. Service Provision Plan**

### **Identifying and Documenting Primary Language**

Probation makes every effort to ensure that clients receive exemplary service during their interactions with us. As we engage clients, we do so in a manner that motivates clients to provide information that induces positive change in their behavior and environments. Therefore, it is important to eliminate language barriers during our first contact with clients and to provide positive language assistance from the onset of Probation's involvement with clients. In interacting with an LEP person, including a client, their family, and any other involved party, including a victim or a witness, employees need to determine the person's primary language. Personnel can identify an individual's primary language by using an available "Language Identification Card." Once personnel identify an individual's primary language, they should document this information within the juvenile case management system.

## Protocol for Securing Oral Language Assistance

Employees should notify an LEP person that the Department provides free language assistance services, including an interpreter. Employees should not solely rely on their own assessment of an individual's English proficiency in determining the need for an interpreter. If a person requests an interpreter, an employee should provide an interpreter free of charge. During routine activities and encounters, employees should use a qualified interpreter to communicate in an LEP person's primary language. Personnel should not use either children of a client or another person who is involved with the justice system as an interpreter. Using such individuals could result in a breach of confidentiality, a conflict of interest or an inadequate interpretation.

When employees communicate with LEP individuals by telephone, they should follow the following protocol to secure language assistance:

1. If the LEP person's primary language is Spanish, Vietnamese, Korean or Mandarin, the employee should consult the Department's list of bilingual employees to identify an appropriate source of language assistance.
2. If a bilingual employee is not readily available, or if an LEP person's primary language is not Spanish, Vietnamese, Korean or Mandarin, the employee should obtain telephonic interpreter assistance through Language Line Services, which is a Department contractor:

*When receiving a call:*

- a. **Use conference call** to place the non-English speaker on hold.
- b. **Dial 1 800-367-9559**
- c. **Press 1 for Spanish, press 2 for all other languages.** If you press 2 speak the name of the language.
- d. **Enter the 6-digit Client ID** on the telephone keypad.
- e. **Enter your Access Code** followed by the pound sign. An interpreter will be connected to the call.
- f. **Brief the Interpreter.** Summarize what you wish to accomplish and give any special instructions.
- g. **Say "end of call"** to the interpreter when the call is completed.

*When placing a call to a non-English speaker, begin at Step B*

The Department also requires employees to ensure that they conduct all important in-person communications in an LEP individual's primary language. Given this policy, in communicating with an LEP probationer, employees should rely on qualified oral language assistance to conduct interviews related to Court investigations, intake, placement, supervision, case management and violations of Court orders; to explain the conditions of probation; to convey other vital information such as disciplinary action, violation hearings and referrals to programs; to facilitate the provision of medical or mental health care; to provide educational and other programs and services; and to

provide sight translation of any documents that are not otherwise available in translated form. Employees should follow the following protocol to secure in-person oral language assistance:

1. If the LEP person's primary language is Spanish, Vietnamese, Korean or Mandarin, the employee should consult the Department's list of bilingual employees to identify an appropriate source of in-person language assistance. If a bilingual employee is not readily available, or if an LEP person's primary language is not Spanish, Vietnamese, Korean or Mandarin, the employee should obtain telephonic interpreter assistance through Language Line Services, following the procedures described above.
2. If an employee is preparing Court-related documents concerning an LEP person, and a bilingual employee is not readily available, or if an LEP person's primary language is not Spanish, Vietnamese, Korean or Mandarin, the employee should obtain assistance through the Court-Certified Interpreter Program. To obtain contracted in-person language services through the Court, employees should follow the following protocol:

*Access main website address: [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).*

- a. *Click on **programs**.*
- b. *Click on **Court Interpreters**.*
- c. *Click on **Search for an interpreter**.*
- d. *Scroll page down and click on **View Master List**.*
- e. *Scroll page down and fill in the necessary criteria (i.e. Language, county), then click **Search**; at this point you can print your list.*

### **Translation of Written Material**

The Department has identified our vital documents and has translated them into Spanish and Vietnamese. This list of vital documents will be maintained by the Administrative Support Officer – Juvenile Services, who also functions as the Department's Language Access Coordinator. The Administrative Support Officers for the Institutions and Juveniles Services Divisions identify documents that require translation. The criteria for determining the need for translation includes the following:

- a) Documents provided to clients during their first contact with the Department;
- b) Documents provided to clients during interviews with Probation employees; and
- c) Documents provided to clients for routine reporting while receiving Probation services.

Pertinent forms will be translated by bilingual employees when the employee is certified to read, write and translate in specific languages. When an employee is not available to translate the forms, the Department will utilize contracted document translation services to translate the documents. LEP individuals will be provided with the appropriate forms

through a Probation employee upon contact, and specific translated forms will be available on the Department's Web site.

Employees should rely on qualified bilingual employees to provide sight translation of non-English correspondence, written material that is not readily available in the LEP person's primary language or a non-vital document that is requested by an LEP individual.

## **VI. Monitoring Contracted Service Providers**

Like the Department itself, Probation's contracted service providers must take reasonable steps to ensure that LEP individuals have meaningful access to the services and benefits they provide on behalf of the Department. To ensure compliance with this obligation, the Department requires each contractor to (1) agree to provide appropriate telephonic and in-person language assistance services in an LEP person's primary language, (2) provide effective notice to LEP persons of available language assistance resources so that they are aware of and can access available services and benefits, (3) translate vital documents into appropriate foreign languages, (4) develop and disseminate an appropriate language access plan and (5) provide language access training to appropriate personnel. Probation conducts quarterly site visits to evaluate compliance with these language access requirements.

## **VII. Complaint Process**

Probation will ensure that all LEP individuals receive free language assistance services in their primary language from Department personnel and contracted service providers. To promptly address any concerns that an LEP person did not receive adequate language assistance, the Department developed a process for handling such complaints, which it will describe on its Web site. Upon request, Probation employees will also provide information on this complaint process to LEP individuals. If the Language Access Coordinator receives a language access complaint, s/he will document receipt of the complaint and provide information about it to the individual who supervises the affected employee(s) or monitors the affected contracted service provider(s). Once the supervisor or monitor receives notice of a language access complaint, s/he will take prompt action to review, investigate and respond to its allegations.

## **VIII. Training (for front-line, supervisory and managerial staff)**

### **Training on Language Access**

The Department will provide information about its language assistance services to new

employees at its New Employee Orientation sessions, to existing employees during in-service training and to Managers and Supervisors. The training will provide guidance on Probation's language access plan, as well as the Department's procedures regarding identifying and documenting an LEP person's language access needs, providing telephonic and in-person language assistance services to LEP individuals, requesting document translations and tracking the use of language assistance services. Managers and Supervisors will also disseminate information on language access issues to staff on a month-to-month basis during supervisory staff meetings.

### **Cultural Competency Training**

The Department has provided Cultural Competency training for all Probation Peace Officers for several years. The state requires 32 hours of annual training for Peace Officers, and the Department offers the Cultural Differences and Values course annually.

#### Rationale

The rationale for providing this training is based upon the need for staff to have a greater understanding of people and their diverse cultural backgrounds. Probation's policy requires that employees become culturally competent in their supervision of clients and embrace the community in which the probationer resides.

#### Performance Objectives

After completing the course, Probation employees will be able to, among other things:

- Identify and develop a strength-based approach to diversity.
- Describe how to interact with probationers in a culturally competent manner, including language needs.
- Connect with the client efficiently and effectively – knowing what skills work and which skills do not.
- Discuss the meaning of ethics and the major factors of ethical behavior.

#### Target Audience

All employees assigned to Institutions and Juvenile Services, including Managers, Supervisors, Probation Officers, Counselors, Supervisors and support staff.

## **IX. Record Keeping and Evaluation**

### **Record Maintenance**

As described in Section IV of this plan, the Department will collect pertinent data about

its provision of language assistance through its contracted language assistance services and its bilingual employees. It will also analyze JAS data, which will include the primary language of our clients and families and all requests made for language assistance. Our Language Access Coordinator will receive monthly usage reports related to the Department's contracted language assistance services and its bilingual employees, as well as monthly reports from JAS about the language access needs of clients and their families. The Language Access Coordinator will maintain all of these reports, which will assist the Department as it evaluates its provision of language assistance.

### **Quality Assurance**

Probation plans to utilize its existing performance evaluation process to assist in gauging the effectiveness of its language assistance services. As part of this evaluative process, pertinent supervisors will review the Department's provision of oral and written language services and record-keeping practices.

Our Language Access Coordinator will routinely review evaluations of those contractors that provide language assistance to ensure that they provide appropriate language services to employees in assisting LEP clients, their families and other involved parties, including victims and witnesses.

## **X. Resource Analysis and Planning**

### **Agency Resources**

Probation will continue to offer language assistance services to the best of its ability and as resources allow, and will continue to enforce, monitor and enhance its language access plan. Resources permitting, we will maintain our current level of services.

To ensure that it continues to provide effective language services to LEP individuals, Probation will annually review (1) pertinent demographic data on language minorities in Santa Clara County, (2) the Department's language access plan, (3) data collected on the Department's provision of language assistance services to LEP individuals, (4) the Department's inventory of written materials to ensure documents are translated in appropriate languages and (5) the costs of providing language assistance services. Based on this review, the Department will make appropriate revisions to its language access plan.