

## Language Access Services Available to North Carolina Magistrates

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Prepared by Brooke A. Bogue & Kellie Z. Myers



## Working with Court Interpreters

*Using a properly trained court interpreter ensures full and fair participation and improves access to justice for linguistic minorities in our court system*



## Goals of the Session

- Understand the difference between a bilingual person and a properly trained court interpreter
- Understand the proper role of the court interpreter
- Review UTT, Inc. – Telephone interpreting service available & required for all spoken languages - Spanish & non-Spanish

## Goals of the Session (cont'd)

- Determine for what cases an interpreter can be appointed at state expense
- Learn how to choose an interpreter for the deaf and hard of hearing for ALL REQUESTS RECEIVED
- Understand the importance of identifying cases for which an interpreter will be needed for future court dates

## What is the interpreter's job?

- To render everything said in court from the source language into the target language
- Accurately without any distortion of meaning
- Without omissions
- Without additions
- Without changes to style or register
- With as little delay or interference as possible

## Cognitive and Motor Skills

### *What an interpreter does*

- Listen
- Comprehend
- Abstract message from words and word order
- Store ideas
- Search for conceptual/semantic matches
- Reconstruct message in new language

## While . . .

Speaking and listening for next chunk of language  
Monitoring their own output

## The Interpreter's Job is . . .

# LANGUAGE CONDUIT



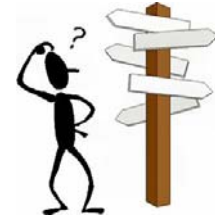
## The Interpreter's Job is . . . .

- **NOT TO EXPLAIN ANYTHING TO ANYBODY**
- **NOT TO FILL OUT FORMS**
- **NOT TO BE AN ADVOCATE**
- **TO INTERPRET**

## Lost in Translation

Belgrade elevator:

*To move the cabin, push button for wishing floor. If the cabin should enter more persons, each one should press a number of wishing floor. Driving then going alphabetically in national order.*



## Court Interpreters are Impartial

Please do *not* use bilingual law enforcement officers to serve as interpreters for non-English speaking people who come before you. Why?



1. You want to avoid any appearance of partiality or conflict of interest
2. We want to ensure the use of qualified, skilled interpreters

## When Using an Interpreter. . .

- **PLEASE** speak to the limited English proficient person directly and in the *first person*, not the third person. The interpreter's job is to interpret what is being said, not to reconstruct what is said
- **PLEASE** remember to speak clearly and allow adequate time for the interpreter to interpret fully

### Who is Eligible for a Foreign Language Interpreter at State Expense?

- All criminal court **proceedings** where either the defendant, victim, or witnesses for either the defendant or the State are limited English proficient (LEP)
- Parties to juvenile delinquency **proceedings**
- Parties to A/N/D (abuse, neglect and dependency) **proceedings**
- Parents ordered to court-ordered child custody mediation
- Chapter 50B Domestic Violence **proceedings**
- Chapter 50C **proceedings** (AOC does NOT pay for services needed to facilitate Counsel/Respondent or Legal Aid/Petitioner meetings or conferences)
- Respondents in involuntary commitment **proceedings**

### Telephone Interpreting for Magistrates

Telephone interpreting services are available for:

- All criminal court proceedings where either the defendant, victim, or witnesses for either the defendant or the State are limited English proficient (LEP)
- Assisting magistrates in responding to public inquiries and assisting the public with general informational questions of a short duration

### Telephone Interpreting for Magistrates

- Magistrates are required to use the telephone interpreting service for NCAOC authorized matters through a contract between NCAOC and Universe Technical Translation, Inc. (UTT, Inc.)
- This service has proven to be very effective and efficient for initial appearances
- An interpreter is obtained over the telephone with the assistance of a speakerphone and **without having to delay** the defendant's initial appearance or the petitioner's filing of a 50B or 50C petition or filing of a criminal complaint

### Telephone Interpreting for Magistrates

- Service is available 24 hours per day, 365 days per year
- Over 150 spoken languages are available
- Please use the **I Speak** cards to help you identify the language needed to communicate with the LEP person



### Telephone Interpreting for Magistrates

- *Guide to Using the Telephone Interpreting Service* should be posted in your office where it's easily accessible by all magistrates and/or readily available on your computers
- Access Codes are assigned per Magistrates Office and should be kept secure to avoid unintentional access or use by unauthorized individuals
- **Please** share this information with your fellow magistrates and all new magistrates!

### Language Access Accommodations for Persons who are Deaf or Hard of Hearing

The governing legal requirements for ADA accommodations are:

1. NCGS Chapter 8B, and
2. Title II of the federal Americans with Disabilities Act (ADA)

**Bottom line:** Courts are required to appoint a qualified (licensed) interpreter for any deaf or hard of hearing party or witness in any proceeding, including juvenile proceedings, special proceedings, and proceedings before a magistrate.

Guidelines can be found here: <http://www.nccourts.org/Citizens/SRPlanning/Documents/GuidelinesdeafandHH.pdf>

## Language Access Accommodations for Persons who are Deaf or Hard of Hearing

- Interpreter must be licensed and on the DSDHH website:  
<http://www.ncdhhs.gov/dsdhh/directories.htm>
- Contact interpreter directly to schedule service
- Applicable AOC Form: **AOC-G-116** includes Motion, Order of Appointment, Certification and Order Authorizing Payment. Certified copy of this form shall be submitted by the clerk to AOC for payment
- MAGISTRATE HAS THE AUTHORITY TO MAKE THE MOTION, APPOINT AN INTERPRETER AND AUTHORIZE PAYMENT**

## Breath Alcohol Testing Mobile Unit – BAT Mobile



Things to remember

- Telephone interpreting *Guide* and your access code
- I Speak* card
- Spanish version of necessary forms
- Flag the case as *interpreter needed*

## Flagging Cases in NCAWARE - NEW

### MAGISTRATES ARE GATEWAYS TO THE COURT SYSTEM

If you use a foreign language interpreter – spoken or signed - for communicating with a defendant or complainant, either via telephone for spoken languages, or a live interpreter for a person who is deaf or hard of hearing, PLEASE be sure to **flag the case using the new INTERPRETER NEEDED FIELD on NCAWARE** to indicate the language needed or the ADA accommodation required. This will allow the courts to more efficiently schedule cases and more quickly schedule an appropriate interpreter or ADA accommodation for future court dates.

Magistrates are key players in court efficiency!

## Interpreter Needed Field Screen Shot

## Utilizing the Interpreter Needed Field

The **Interpreter Needed** field is not a required field, so please remember to use it when an interpreter is required

When issuing a Release Order and a selection is made from the *I Speak* Card, the identified language could be typed in the *Additional Information* field on the Conditions tab in NCAWARE

**A good rule of thumb (though not all encompassing) is if you are using the telephone interpreting service to communicate with an individual, a selection from the Interpreter Needed dropdown should be made**

## Interpreter Needed Field - Completed

## What Happens to this Information?

```

ICA INQUIRY 01          FILM
PENDING                R S DOB/AGE OR FILING DATE 070412 NC
MAGISTRATE ORDER      H F
                        CIT#:          TRIAL DATE 10/11/12
                        CSLR:          CSLRC:          PM ACC SP
DEF ATTY: HAIR, CAROLYN TYP P VRA
CHG/ARRN OFFN: M SIMPLE ASSAULT 14-33(A)
COMPLAINANT: CUNNINGHAM, M CPD ISSUED 070412 SERVED 070412
OFFN DATE 070412 ARRN DATE MOTIONS DATE DISP DATE
CONT D: 01 S: 01 C: 00 NR: 00 RSN/CO: GANG REL DV CV N
PLEA VER MOD $ FINE $ COSTS WCC REST JUDGE PAID TO-BE-PAID
CONV OFFN:
SENT LEN: SENT TYPE CONS F/JGMT
PROB: WITHDRAWN: APPEALED TO SUPERIOR
AREA CD: ACCD HW: V LIC TRANS TO SUPERIOR
CDL N: QW N HAZ N TRP/DIST V ST V TYP APPELLATE
    
```

## Why does the *Interpreter Needed* flag matter?

```

DISTRICT COURT CALENDAR PAGE: 2
COURT DATE: 09/19/12 TIME: 09:00 AM COURTROOM NUMBER: 004A
NO. FILE NUMBER DEFENDANT NAME COMPLAINANT ATTORNEY CONT
-----
10 12CR 211691 SIMMONS, B SFF APT.: ANDERSON, PHILLI 2
***** DEFENDANT NEEDS TO BE FINGERPRINTED
BOND: $5,000 SEC
(M) COMMUNICATING THREATS PLEA: VER:
CLS:1 P: L: DOM VL: Y JUDGMENT: VER:
(M) ASSAULT BY POINTING A GUN PLEA: VER:
CLS:AL P: L: JUDGMENT: VER:
(M) MISDEMEANOR LARCENY PLEA: VER:
CLS: P: L: JUDGMENT: VER:
11 12CR 214910 CUNNINGHAM, M RPD P.D.: HAIR, CAROLYN 2
***** SPANISH INTERPRETER REQUIRED
BOND: $1,500 SEC
(M) SIMPLE ASSAULT PLEA: VER:
CLS:2 P: L: DOM VL: Y JUDGMENT: VER:
    
```

## Online Resources

<http://www.nccourts.org/Citizens/CPrograms/Foreign>

## Final Thoughts

Using the telephone interpreting service:

- Allows you to obtain an interpreter over the telephone **without having to delay** the defendant's initial appearance or a witness's criminal complaint
- Helps get you the **information you need**
- Ensures **full and fair participation** and improves access to justice for linguistic minorities
- Allows you to have a significant positive impact on **efficiency**



## Keep In Touch

NCAOC's Office of Language Access Services is here to serve the North Carolina State Court System. Please do not hesitate to contact us with any questions or issues that arise, or any input you would like to provide regarding the use of interpreters.

**Brooke A. Bogue, Manager**  
[Brooke.A.Bogue@nccourts.org](mailto:Brooke.A.Bogue@nccourts.org)  
 Ph: 919-890-1213

**Kellie Z. Myers, Court Management Specialist II**  
[Kellie.Z.Myers@nccourts.org](mailto:Kellie.Z.Myers@nccourts.org)  
 Ph: 919-890-1214