
 NORTH CAROLINA ADMINISTRATIVE OFFICE of the COURTS


Language Access Services Available to North Carolina Magistrates

Updated September 2015
Prepared by Brooke B. Crozier




Equal Access to Justice

Using a properly trained court interpreter ensures full and fair participation and facilitates equal access to justice for limited English Proficient individuals in the North Carolina court system.





Equally important is . . .

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. . . The Administration of Justice


The Court's *own* interests in ensuring effective communication, and protecting the integrity of evidence that comes into the record or is presented before the court. Our courts should appear just and well-managed. Ensuring effective language access promotes court efficiency.



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Topics


- NCAOC Office of Language Access Services (OLAS)
- Properly trained court interpreter vs. untrained bilingual person
- Proper role of the court interpreter & how to work with court interpreters
- Proceedings for which an interpreter is provided at state expense
- How to request an interpreter
- Accommodations for the deaf and hard of hearing

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What does OLAS do?


The **NCAOC Office of Language Access Services (OLAS)** helps facilitate equal access to justice for limited-English proficient individuals (LEP) in our court system by:

- Developing **standards** for the provision and efficient use of language access services
- Providing **support and guidance** for questions, concerns and issues involving interpreting and translating services
- Ensuring that **proficient and ethical** foreign language court interpreters are provided to the courts
- **Administering court interpreter training and certification testing** for court interpreters provided by the National Center for State Courts' Council of Language Access Coordinators

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Language Access Services

In-person interpreting for court proceedings	Staff court interpreters in 11 counties: <i>Buncombe, Chatham, Durham, Forsyth, Guilford, Johnston, Harnett, Lee, Mecklenburg, Orange and Wake</i> Contract court interpreters
Telephone interpreting service	For brief routine matters in district court Use by magistrates and district attorneys Use in public access areas in clerks' and family court offices
T3 HD remote court interpretation (2014)	For hearings and trials in district and superior court when certified court interpreters are not available locally.
Translation	Court forms and vital court documents
Transcription / translation	Audio/visual evidence for district attorneys and public defenders or assigned counsel Court interpreters are prohibited by their ethics from interpreting audio/visual recordings; all audio/visual recordings must be transcribed and translated <i>prior to the court proceeding</i>

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Terms of the Profession

- **LEP:** Limited English Proficient
- **LOTS:** Language(s) Other Than Spanish
- **Interpretation:** The accurate and complete unrehearsed transmission of an oral message from one language to an oral message in another language
 - **Simultaneous Interpretation:** Interpreting continuously at the same time a person is speaking
 - **Consecutive Interpretation:** Interpreting a person's statement after that person has stopped speaking
 - **Sight translation :** The transmission of a written message in one language into the oral message in another language
 - **Translation:** The accurate and complete transmission of written text from one language into written text in another language



Properly Trained Court Interpreter vs. Bilingual Person

Do not allow bilingual law enforcement officers or other untrained bilingual individuals **to serve as interpreters** for non-English speaking people who come before you.



Why?

1. Avoid any appearance of partiality or conflict of interest
2. Ensure the use of qualified, skilled interpreters
3. Ensure full and fair participation

Unqualified Interpreters



Detective: Why is the suspect specifically asking for drugs and money?

Victim: I think because I smelled like it...I don't know...I don't know why he asked.

Detective: Is there marijuana being smoked in that house?

Detective: Taco knows who he is.

Detective: Does she have any problem with us searching the entire house?

Bilingual officer: Why did he ask for drugs and money specifically?

Bilingual officer: He might have smelled marijuana

Bilingual officer: She's asking "Are you selling marijuana?"...Is your husband?

Bilingual officer: But she thinks your boyfriend knew this robber.

Bilingual officer: Do you have a problem if we check your house?


Again . . .



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What is the Court Interpreter's Job?

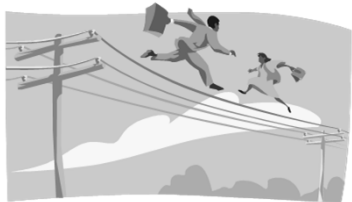
- To render everything said in court from the source language into the target language
- Accurately without any distortion of meaning
- Without omissions
- Without additions
- Without changes to style or register
- With as little delay or interference as possible
- While speaking and listening for the next chunk of language; and
- Monitoring their own output



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The Interpreter is a . . .


Neutral Language Conduit



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Idiomatic Expressions

- Ace in the hole
- I only understand the train station
- Pay the duck
- The carrots are cooked
- English: a hidden or secret strength or advantage
- German: I don't understand a thing you are saying
- Portuguese: to take blame for something you did not do
- French: It's no use crying over spilt milk



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The Interpreter's Job is NOT . . .

-  To explain anything to anyone
-  To fill out forms
-  To be an advocate

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When Using an Interpreter. . .

- Speak to the limited English proficient person directly, not in the third person
- Remember to speak clearly and allow adequate time for the interpreter to interpret fully
- Do not ask the interpreter to have a conversation with the LEP individual
- Do not ask the interpreter what he thinks a defendant or witness understands

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It takes two to Tango

And two to have a conversation

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It takes THREE to interpret

MAGISTRATE **INTERPRETER** **LEP INDIVIDUAL**

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In the Courtroom

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Judicial Mannerisms

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NCAOC Expansion of Language Access Services

The Judicial Department is committed to expanding state-funded foreign language access services to all case types using a phased implementation approach.

- **Notice of Expansion and Enhancement of Foreign Language Interpreting Services** – Aug 8, 2012
- **Expansion of Language Access Services to All Child Custody and Child Support Proceedings** – Sept 25, 2013
- **Expansion of Language Access Services to All Summary Ejectment and Foreclosure Proceedings** – January 1, 2015

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NCAOC Expansion of Language Access Services

The Judicial Department is committed to expanding state-funded foreign language access services to all case types using a phased implementation approach.

- **Expansion of Language Access Services to all Magistrate Matters** – April 30, 2015
- **Standards for Language Access Services in North Carolina State Courts** – April 30, 2015

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Proceedings Currently Eligible for a Spoken Foreign Language Court Interpreter at NCAOC Expense?

- CRIMINAL
- JUVENILE
- A / N / D
- CHILD CUSTODY ORIENTATION / MEDIATION
- CH. 50B DOMESTIC VIOLENCE
- CH. 50C CIVIL NO-CONTACT ORDER
- INVOLUNTARY COMMITMENT
- CHILD CUSTODY & CHILD SUPPORT
- SUMMARY EJECTMENT & FORECLOSURE
- ALL MATTERS HEARD BEFORE A MAGISTRATE

NEXT STEPS

Future phases will include expansion to other case types including

- General Civil
- Estates
- Domestic
- Special proceedings

Assessing a Person's Need for a Court Interpreter

- The language of courtroom proceedings is far more complex than the linguistic interactions of every day conversation.
- The level of English proficiency required to *meaningfully* participate in a legal setting requires Cognitive Academic Language Proficiency (CALP) obtained from formal education and years of exposure.
- Be aware that the heightened anxiety of being in a court room diminishes a speaker's ability to comprehend and communicate in the second language.
- Always **err on the side of caution** and ensure a qualified court interpreter is provided for LEP individuals in all covered court proceedings.

Obtaining Court Interpreters for Proceedings . . .

Spanish Language Court Interpreters

Identify the language access needs of cases as early as possible before the court date (See Indicators)

Submit a *Request for Spoken Foreign Language Court Interpreter* to the local Language Access Coordinator (LAC)

LOTS Court Interpreters

Identify the language access needs of cases as early as possible before the court date (See Indicators)

Submit a *Request for Spoken Foreign Language Court Interpreter* to the local Language Access Coordinator (LAC)

Proper Use of the Court Interpreter

- Give instructions to parties and witnesses about the role of the court interpreter as a neutral language conduit.
- Speak directly to LEP individuals just as you would to English speakers.
- Do not allow multiple speakers to talk at the same time or over each other. The interpreter must interpret *everything* that is said and multiple speakers makes it impossible to perform this duty.
- Do not ask the interpreter whether he/she thinks the LEP individual understands.
- Do not ask the interpreter to explain, restate or not interpret something that was said.

Proper Use of the Court Interpreter

- Be aware that interpreters are ethically prohibited from developing any sort of rapport with the LEP individuals for whom they are interpreting
- Become familiar with the Interpreter's Code of Ethics and monitor the interpreter's actions for compliance
- **Interpreter fatigue.** A team of two interpreters should be scheduled for any proceeding expected to last longer than two hours. If a team has not been scheduled, please permit breaks in the proceeding every 30 minutes to allow the interpreter to rest. This will allow the interpreter to maintain the level of proficiency required to ensure the LEP party has equal access to the proceeding.

NOTE: Please report any inappropriate interpreter behavior to OLAS, including stepping outside the scope of service.

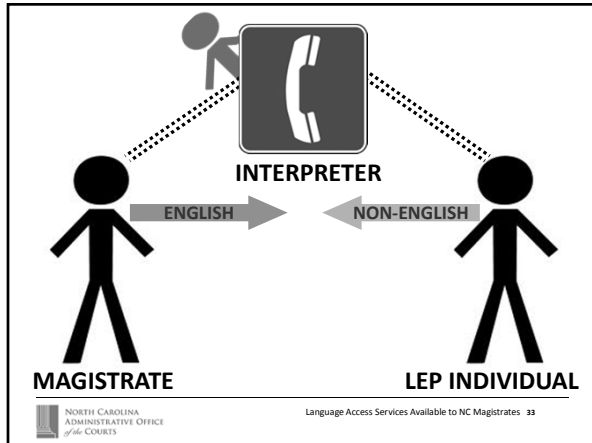
Telephone Interpreting for Magistrates



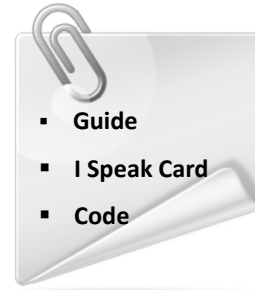
All criminal court proceedings

Responding to public inquiries

Brief matters in Small Claims Court



What Do I Need to Use the Telephone Interpreting Service?



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

The governing legal requirements for ADA accommodations:

- Title II of the federal Americans with Disabilities Act (ADA)
- NCGS Chapter 8B

Guidelines

<http://www.nccourts.org/LanguageAccess/Documents/GuidelinesdeafandHH.pdf>

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

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with

- the length and complexity of the communication involved and
- the individual's specific disability and preferred mode of communication*

*National Center for State Courts

Sign Language Interpreters

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.



What Do I Need to Do?

Locate a LICENSED sign language interpreter from the DSDHH website
<http://www.ncdohhs.gov/dsdhh/directories>

Contact the interpreter directly to schedule service
 This is a local court responsibility

Complete the AOC-G-116 Motion, Order of Appointment, Certification and Order Authorizing Payment
 Clerk submits certified copy to NCAOC

Interpreter Indicators

- Implemented May 2013 – eCITATION, NCAWARE, ACIS, CourtFlow, CCIS-CC, CCIS-DA, VCAP, and JWISE
- Used to indicate spoken foreign language interpreting services and sign language interpreting services for the deaf and hard of hearing
- Interpreter Used** – Yes (Y) or No (N or blank)
- Interpreter Needed** – Specify Language
- Guide to Interpreter Language Needed and Interpreter Used Indicators**

Language Codes

Spanish	spa	Farsi (Persian)	pes	Mnong (Montagnard)	mng
Vietnamese	vie	Gujarati	guj	Nepali	nep
Russian	rus	Haitian Creole	hat	Pashito (Pushko)	pbt
French	fra	Haikka (Chinese)	hak	Polish	pol
Mandarin (Chinese)	cmn	Hausa	hau	Punjabi (Panjabi, Punjabi)	pan
Arabic	arb	Hindi	hin	Rhade (Montagnard)	rad
Portuguese	por	Hindko	hnd	Serbian	srp
Korean	kor	Igbo (Ibo)	ibo	Swahili	swh
Hmong	hni	Indonesian	ind	Tagalog	tgl
Burmese	mya	Japanese	jpn	Thai	tha
Amharic	amh	Jarai (Montagnard)	jra	Tigrinya	tir
Bosnian	bos	Karen (Karen Languages)	kar	Urdu	urd
Bu Nong (Montagnard)	cmo	Khmer (Cambodian)	khm	American Sign Language	ase
Cantonese (Chinese)	yue	Krahn	kao	Undetermined	und
Chatino	chy	Kru (Kru Languages)	klu	Other	999
Chukese	chk	Lao	lao		
Czech	ces	Marshallese	mah		

VCAP

```

VCMD 13CVD012000
NC RDC 015 CIVIL CASE PROCESSING SYSTEM 03/22/13 09:41:32
ALARMANCE CASE MISC DETAILS
13 CVD 12000 ODE, JOHN VS AKLAND, WANDY
APP:CN CODE: 1 (0,1) PIF NUM: 13 CVD 012000
INTERPRETER NEEDED: SPANISH JURY REQUESTED: N (Y,N) USED: Y
CASE INITIATION CLOCK AT: 022013
ELIGIBLE FOR MEDIATED SETTLEMENT CONFERENCE: N (Y,N)
ELIGIBLE FOR CUSTODY/VISITATION MEDIATION: N (Y,N)
ELIGIBLE FOR ARBITRATION: N (Y,N)
CALENDAR DATE: 042613 TRIAL TIME: 1000 A (A,P,M)
LOCATION: CTRA COURTROOM A
NOTES:
DOMESTIC TYPE:
FILE NUM CHANGE REQUEST: N (Y,N) NEW FILE NUM:
CASE INDEXED IN ERROR, DELETE CASE: N (Y,N)
PRESIDING OFFICIAL ID:
PRESIDING OFFICIAL NAME:
GENR0091-RECORD UPDATED SUCCESSFULLY
F1=HELP 2=EXIT 4=PROMPT 3=REFRESH 6=LIST 3=HOLD 11=UNDO 12=CNCL
    
```

NCAWARE

NORTH CAROLINA COURT INFORMATION SYSTEM

NCAWARE Home > Add Process Menu > Court Info Tab > Court Detail: Edit

File Number: JOHNSTON - 13TMP000195 (INCOMPLETE) - MAGISTRATE ORDER BASED ON GENERAL CITATION

Defendant Name:

Enter Court Information and click Edit when completed.

* Courtroom:
 * Court Date: mm/dd/yyyy
 * Court Session: AM PM NC
 * Court Time: :
 * Court Type:
 Interpreter Needed:
 Interpreter Used:

Interpreter selections are made.

NCAWARE – Subsequent Display

North Carolina Court Information System
 NCAWARE Home > Add Process Menu > Court Info Tab
 File Number: JOHNSTON - 131MP000195 (INCOMPLETE) - MAGISTRATE ORDER BASED ON GENERAL CITATION
 Defendant Name: [REDACTED]
 Defendant: [REDACTED] Offenses: [REDACTED] Citation: [REDACTED] Complainant: [REDACTED] Witness: [REDACTED] Court Info: [REDACTED]
 County Court/House: JOHNSTON COUNTY COURTHOUSE
 Courtroom: 00PC - SMITHFIELD
 Courthouse Address: 207 E JOHNSTON ST, SMITHFIELD, NC 27577
 Court Date: 04/18/2013
 Court Time: 09:00 AM
 Court Type: DISTRICT COURT
 Interpreter Needed: SPANISH
 Interpreter Needed: YES
 Edit Court Info
 Duplicate Process Print Process Cancel

Interpreter selections display in tab view.

ACIS

ACIS Mainframe - RUMA Mainframe Display
 500 JOHNSTON DISPOSED INFRACTIONS INDEX 01 061F 006836 FILE:
 R S DOB IF CTR #: 4982572
 CITATION W F NC
 ROY, AULTM, NANCY SPA
 FILING DATE: 100206 HEARING DATE: 010807 AM
 CHRIG OFFN: I SPEEDING 070 IN 55 ZONE
 COMPLAINT: BRISWELL, D AGENCY: SHP OFFICER #: 1540
 OFFENSE TIME: 11:55 PM DATE: 092306 ISSUED: 092306 SERVED: 092306
 CONT. D: 01 5: 00 J: 00 00 INT?: Y DISP DATE: 010807
 PLEA VER MOD PEN. COST MCC JUDGE J. SATISF TO BE SATISF.
 RL RS JU \$ \$ 110.00 YES
 RESP. OFFENSE: I IMPROPER EQUIP - SPEEDOMETER
 AREA CODE: 04 ACCIDENT: N HWY: NC50 V.LIC: YB93922 V.ST: NC V.TYPE: PU
 TROOP: C DIST.: 6 WITHDRAWN: APPEALED TO: SUPERIOR:
 CDL: N CMV: N HAZ: N TRANSFER TO SUPERIOR: APPELLATE:
 NEXT: PF2 - NAME INQUIRY ADDL CHARGES:
 Running TEL: 919 899 1407 FAX: 919 899 1407

Criminal Calendar

NO.	FILE NUMBER	DEFENDANT NAME	COMPLAINANT	ATTORNEY	CONT
1	762129	ADAMS, ALEX, ALLEN GERMAN	COLOSI, D, J	FPD	
	(T) SPEEDING				VER: B972254
	CLS:2 P: L:				JUDGMENT:
2	003390	GONZALEZ, PEDRO SPANISH	JONES, ROBBIE	FPD	
	(M) JAIL				VER:
	CLS:1A1 P: L:				JUDGMENT:
3	054546	HOOKS, EDWARD, ALLEN MO BOND: \$5,000 SEC	WATSON, W, D	FPD	
	(P) FRIED SCH II CS				VER:
	CLS:H P: L:				JUDGMENT:
4	000001	JENKINS, JOHN AMERICAN SIGN LANGUAGE	OWELL, STEVE	SFP	
	(M) POSSESSION OF FIREARM				VER:
	CLS:3 P: L:				JUDGMENT:

Forms

THE NORTH CAROLINA COURT SYSTEM
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 SEARCH
 Home / Forms Search
 Judicial Forms
 Form Number: Title: release
 Category: Select an Option... For: Select an Option...
 Available in: English Spanish
 Search

Select Spanish

Language Access Complaints or Concerns

NORTH CAROLINA JUDICIAL DEPARTMENT
 LANGUAGE ACCESS SERVICES
 COMPLAINTS OR CONCERNS
 ABOUT FOREIGN LANGUAGE ACCESS SERVICES
 QUEJAS O PREOCUPACIONES SOBRE SERVICIOS DE ACCESO A LOS SERVICIOS EN IDIOMAS
 OTROS QUE NO SON EN INGLÉS
 YAC ECTA BA ODOM ETEB XAMNASHIR
 YAC ECTA BA ODOM ETEB XAMNASHIR
 YAC ECTA BA ODOM ETEB XAMNASHIR



Language Access Officer (LAO)

THE NORTH CAROLINA COURT SYSTEM
 Language Access Complaint Form
 Complaints or concerns about language access services?
 Submit your complaint or concern here.
 The North Carolina Judicial Department is committed to removing barriers that prohibit equal access to the courts by individuals with limited English proficiency. To that end, a language access officer has been appointed to receive and address concerns about language access services in the North Carolina state courts.
 If you have complaints or concerns about language access services that have been provided to you, or if you have concerns about language access policies and practices within our courts, report your concerns here. Provide appropriate contact information so that we can contact you for additional information if necessary, properly investigate your complaint and respond to you.
 The language access officer will address your concerns and attempt to resolve any outstanding language access issues within 30 days of submission of this form.
 NOTE: Complete this form only if you have a formal complaint or concern about language access services. If you have general questions, contact the Office of Language Access Services at (919) 899-1407 or send an email to OLAS@nccourts.org.
 Contact Information:
 First Name: [REDACTED]
 Last Name: [REDACTED]
 Address Line 1: [REDACTED]

Complaint Guidelines:
<http://www.nccourts.org/LanguageAccess/Documents/OMB-policy.pdf>

Resources



<http://www.nccourts.org/LanguageAccess>

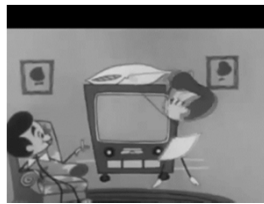
Final Thoughts



Language access services ensure **full and fair participation** and provides **equal access** to justice for LEP individuals



Language access services help get you the **information you need** to make decisions



Keep In Touch

Brooke B. Crozier

Manager

- Brooke.B.Crozier@nccourts.org
- (919) 890-1213

Hubie Mercado

Court Management
Specialist

- Humberto.Mercado@nccourts.org
- (919) 890-1214

Monica Y. Greiss

Court Management
Specialist

- Monica.Y.Guzman@nccourts.org
- (919) 890-1212

OLAS

- OLAS@nccourts.org
- (919) 890-1407