

LANGUAGE ACCESS SERVICES AVAILABLE TO NORTH CAROLINA MAGISTRATES

FEBRUARY 5, 2021



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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 interpreters are provided at Judicial Branch expense
- How to request an interpreter
- Accommodations for parties who are deaf and hard of hearing



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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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## 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:

- o Developing [Standards for Language Access Services in North Carolina State Courts](#) for the provision and efficient use of language access services
- o Providing **support and guidance** for questions, concerns and issues involving interpreting and translating services
- o Ensuring the provision of **proficient and ethical** foreign language court interpreters to the North Carolina courts
- o **Administering court interpreter training and certification testing** provided by the National Center for State Courts



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## COVERED COURT PROCEEDINGS

- o **Magistrates** - All civil and criminal proceedings before the magistrate, including marriages
- o **Clerks** - All proceedings before the clerk of superior court, including estates, foreclosures, name changes, and other proceedings
- o **District Court** - All criminal and civil court proceedings
- o **Superior Court** - All criminal and civil court proceedings

**THIS MEANS:** All limited English proficient (LEP) parties in interest **must** be provided an AOC interpreter **at no cost to the party.**



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## WHAT ARE LANGUAGE ACCESS SERVICES?

The full spectrum of language services available to provide meaningful access to court proceedings and court operations for LEP individuals, including, but not limited to, in-person interpreting services, telephonic and video remote interpreting services, translation of written materials, and the use of bilingual staff.



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## LANGUAGE ACCESS SERVICES

In-person interpreting for court proceedings	Staff court interpreters in 9 counties: <i>Alamance, Buncombe, Chatham, Durham, Forsyth, Guilford, Mecklenburg, Orange and Wake</i> Contract court interpreters
Telephone interpreting service Current vendor: <b>Telelanguage, Inc.</b>	Use by magistrates for initial appearances, public access, and brief, non-evidentiary matters Use by district court for first appearances and brief routine matters Use by district attorneys, public defenders, public access areas in clerks' offices, child custody mediation, and family court offices
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 prior to the court proceeding



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## TELEPHONE INTERPRETING FOR MAGISTRATES



All criminal court proceedings

Responding to public inquiries

Brief non-evidentiary matters in Small Claims Court



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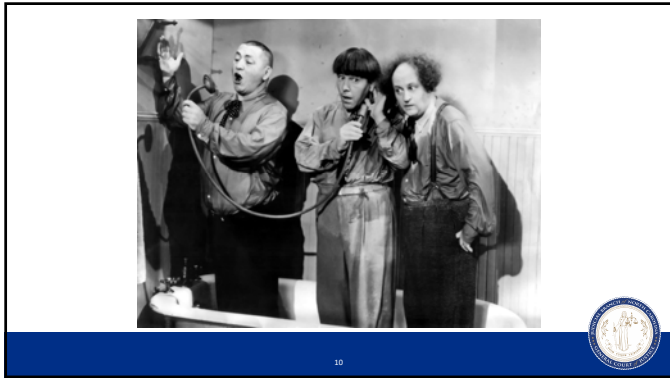
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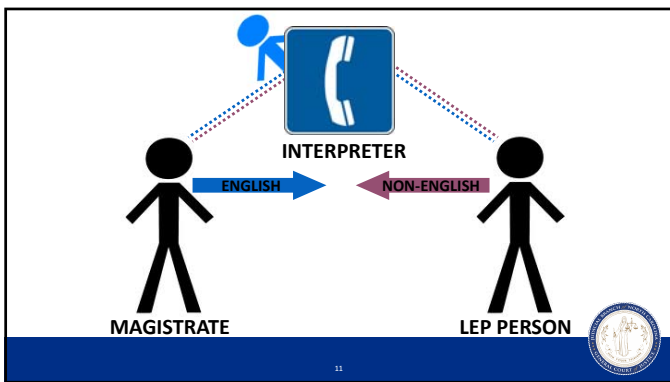
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WHAT DO I NEED TO USE THE TELEPHONE INTERPRETING SERVICE?

- User Guide
- 'I Speak . . .' Resource
- Access Code

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## AOC FORMS

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## THE COURT INTERPRETER'S ROLE

- To provide equal access to justice and court proceedings by linguistically *placing the LEP individual in the same position as an English speaker.*
- Equal access does not mean better access.

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## 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?
  - Avoid any appearance of partiality or conflict of interest
  - Ensure the use of qualified, skilled interpreters
  - Ensure full and fair participation

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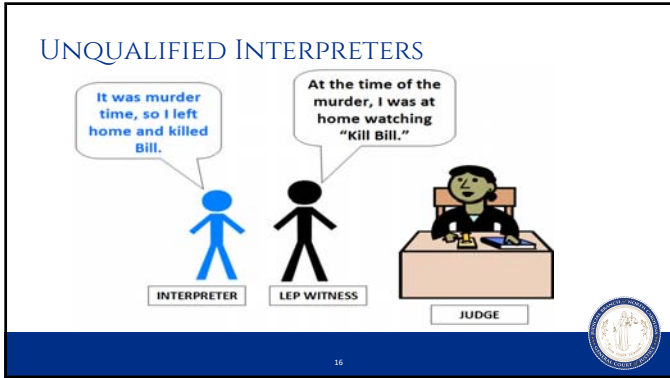
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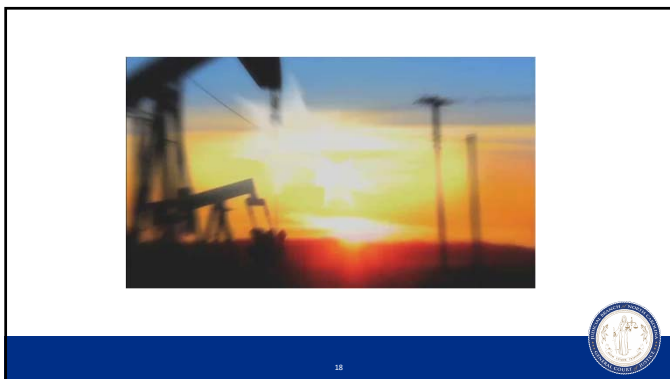
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- *Detective:* Why is the suspect specifically asking for drugs and money?
- *Victim:* I think because I smelled like it...I don't know...I don't know. I don't know why he asked.
- *Detective:* Is there marijuana being smoked in that house?
- *Detective:* 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?



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### THE INTERPRETER IS A . . .

#### Neutral Language Conduit

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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 ETHICALLY CANNOT ...

-  Explain anything to anyone
-  Fill out forms
-  Be an advocate



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## PROPER USE OF THE COURT INTERPRETER

- Give instructions to parties and witnesses about the role of the court interpreter as a neutral language conduit
- 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.



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## WHEN USING AN INTERPRETER ...

Speak to the LEP 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 or explain anything

Do not ask the interpreter what he thinks a defendant or witness understands



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## IN THE COURTROOM



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## ASSESSING A PERSON'S NEED FOR A COURT INTERPRETER

- The language of courtroom proceedings is far more complex than the linguistic interactions of everyday 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.



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Magistrates are the gateway to our justice system and can have a profound impact on efficiency and access!



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## INTERPRETER INDICATORS

- Implemented May 2013 – eCITATION, NCAWARE, ACIS, CCIS-CC, CCIS-DA, CCIS-PD, 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*



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## LANGUAGE CODES

Spanish	spa	Farsi (Persian)	pes	Muong (Montagnard)	mng
Vietnamese	vie	Gujarati	guj	Nepali	nep
Russian	rus	Haitian Creole	hat	Pashto (Pushto)	pbt
French	fra	Hakka (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	hmj	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	kro	Undetermined	und
Chatino	chy	Kru (Kru Languages)	klu	Other	999
Chuktese	chk	Lao	lao		
Czech	ces	Marshallese	msh		



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## VCAP

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VCAP 13/05/2013
NO DOC: 1300
ALARMANCE CASE MISC DETAILS 03/22/13 09:41:52
13 000 13000 002 JOHN AS RALPH WARDY
APPOINT CODE: 1 (0-1) FILE NUM: 13 000 01000
INTERPRETER NEEDED: SPANISH
NON-INITIATION CHECK: 000001 JURY REQUESTED: 0 (1-0)
ELIGIBLE FOR MEDIATED SETTLEMENT CONFERENCE: 0 (1-0)
ELIGIBLE FOR OUTSIDE PRESTATION MEDIATION: 0 (1-0)
ELIGIBLE FOR ARBITRATION: 0 (1-0)
CALENDAR DATE: 04/01/13 TOTAL TIME: 1000 0 14 0 01
LOCATION: 000 EQUATORUM 0
NOTE:
DOMESTIC TIME:
FILE NUM CHANGE REQUEST: 0 (1-0) NEW FILE NUM:
CASE ENTERED IN ERROR, DELETE CASE: 0 (1-0)
PRESIDING OFFICIAL ID:
PRESIDING OFFICER NAME:
SCENARIO-RECORDS UPDATED SUCCESSFULLY
*****HELP ***** 0-RECORDS ***** 0-RECORDS *****
    
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# NCAWARE

Enter Court Information and click Edit when completed.

\* Courtroom : 1000 - 10TH FLOOR  
\* Court Date : 04/10/2013 mm/dd/yyyy Today  
\* Court Session : AM PM NC  
\* Court Time : 09:00  
\* Court Type : DISTRICT COURT  
\* Interpreter Needed :  YES  
\* Interpreter Used : [ ]

[Edit] [Refresh] [Cancel]

Interpreter selections are made.



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# NCAWARE – SUBSEQUENT DISPLAY

County Courtroom: JOHNSON COUNTY COURTHOUSE  
Courtroom: 1000 - 10TH FLOOR  
Courtroom Address: 207 E JOHNSON ST., WELLSVILLE, NC 27377  
Court Name: DISTRICT COURT  
Interpreter Needed:  YES  
Interpreter Used: [ ]

[Edit Court Info] [Duplicate Process] [Print Process] [Cancel]

Interpreter selections display in tab view.



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# ACIS

500 JOHNSON INFRCTIONS INDEX 01 061F 006436 FILM:  
DISPOSED W S DOB IF CTR N: 4982572 NC  
CITATION W F  
ROY, AUTUMN, NANCY HEARING DATE: 010007 AM SPA  
FILING DATE: 100206  
CHRG OFFN: 1 SPEEDING 070 IN 55 ZONE  
COMPLAINT: BOWHELL, D AGENCY: SMP OFFICER R: 040  
OFFENSE TIME: 11:55 PM DATE: 092306 ISSUED: 092306 SERVED: 092306  
CONT. D: 01 S: 00 J: 00 M: 00 INTX: Y  
Flea Ver Mod Pen Cost MCC Judge J.Satisf To Be Satisf.  
RL RS JU S \$ 110.00 YES  
RESP. OFFENSE: 1 IMPROPER EQUIP - SPEEDOMETER  
AREA CODE: 04 ACCIDENT: N HAV: NCSO V.LIC: V983922 Y.SI: NC V.TYPE: PU  
TROOP: C 0131: 6 WITHDRAWN: APPEALED TO: SUPERIOR:  
CDL: N CMV: N MAZ: N TRANSFER TO SUPERIOR: APPELLATE:  
NEXT: P2 - NAME ENQUIRY ADD CHARGES:



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## CRIMINAL CALENDAR

NO.	FILE NUMBER	DEFENDANT NAME	COMPLAINANT	ATTORNEY	COURT
1	07157	AGUIAR, ALLEN, ALLEN RODRIGUEZ	WISLOSKEI, D, J	PRD	
					VER: 8972254
					JUDGMENT:
					VER: 8972254
2	1107	SANCHEZ, PEDRO SANCHEZ	ANDERSON, ROBERT	PRD	
					VER:
					JUDGMENT:
3	054544	BOONE, EDWARD ALLEN W	MATSON, W, D	PRD	
					VER:
					JUDGMENT:
					VER:
					JUDGMENT:
4	1107	YERGEN, JAMES AMERICAN SIGN LANGUAGE	SMITH, STEVE	SPF	
					VER:
					JUDGMENT:



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## 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)



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## REQUESTS ARE RECEIVED BY THE DESIGNATED LANGUAGE ACCESS COORDINATOR (LAC)

- Effective **October 19, 2015**, all Spanish language court interpreters must be scheduled by the LAC in order to be paid for services rendered in AOC-covered matters
- LACs shall schedule court interpreters upon receipt and evaluation of a completed *Request for Spoken Foreign Language Court Interpreter*



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## LANGUAGE ACCESS COMPLAINTS OR CONCERNS

**1** COUNTY COURTS IN THE JUDICIAL DEPARTMENT  
COMPLAINT OR CONCERN


ABOUT LANGUAGE ACCESS AND OTHER SERVICES


IF YOU ARE A PERSON WHO IS DEAF OR HARD OF HEARING, OR WHO SPEAKS A LANGUAGE OTHER THAN ENGLISH, YOU MAY HAVE A CONCERN ABOUT THE COURT'S SERVICES. YOU MAY WANT TO FILE A COMPLAINT OR CONCERN WITH THE COURT.

PLEASE CONTACT THE COURT'S LANGUAGE ACCESS SERVICES (LAS) AT 1-800-368-7263 OR VISIT [WWW.NCCOURTS.ORG](http://www.nccourts.org) FOR MORE INFORMATION.

IF YOU ARE A COURT EMPLOYEE OR PROVIDER, YOU MAY WANT TO FILE A COMPLAINT OR CONCERN WITH THE COURT. PLEASE CONTACT THE COURT'S LANGUAGE ACCESS SERVICES (LAS) AT 1-800-368-7263 OR VISIT [WWW.NCCOURTS.ORG](http://www.nccourts.org) FOR MORE INFORMATION.

PLEASE CONTACT THE COURT'S LANGUAGE ACCESS SERVICES (LAS) AT 1-800-368-7263 OR VISIT [WWW.NCCOURTS.ORG](http://www.nccourts.org) FOR MORE INFORMATION.





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## LANGUAGE ACCESS ACCOMMODATIONS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING

- The governing legal requirements for ADA accommodations:
  - NCGS Chapter 8B, and
  - 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 the court.
- [Disability Access](#)
- [Guidelines for Accommodating Persons Who are Deaf or Hard of Hearing in the Courts](#)



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## LANGUAGE ACCESS ACCOMMODATIONS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING

Scheduling ADA accommodations is a local court function. Requests should be submitted by:

- Contacting the designated Disability Access Coordinator (DAC), if applicable; or
- Consulting your clerk's office to determine the local process for scheduling the appropriate services.
- **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 NCAOC for payment to the interpreter.

**NEW:** DAC Email: [County].DAC@nccourts.org, i.e., Wake.DAC@nccourts.org



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## 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



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## 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



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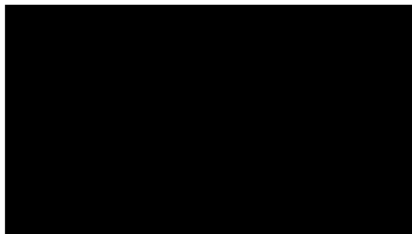
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## JUDICIAL MANNERISMS



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