

City of Tucson

Public Defender's Office
Limited English Proficiency Plan

May 2008

Most people in the United States read, write, speak and understand English. However, there are many individuals whose primary language is not English. These individuals are considered "Limited English Proficient (LEP)." They do not speak English as their primary language and have limited ability in reading, writing, speaking or understanding English. These individuals may experience an inconvenience and/or hardship due to not speaking the English language. Moreover, this may cause an inconvenience in obtaining services and benefits.

There are two pieces of federal legislation that established the foundation for the development of a remedy for individuals who are "Limited English Proficient" (LEP). They are Title VI of the Civil Rights Act of 1964, and Executive Order 13166. In some circumstances under Title VI, failure to ensure that LEP persons can effectively participate in federally assisted programs may constitute discrimination based on national origin. In order to comply with Title VI, agencies should take reasonable actions for competent language assistance. Executive Order 13166 clarifies requirements for LEP persons under Title VI. The Executive Order requires the agency examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services.

Four Factor Analysis:

The following four factors have been considered in assessing language needs and determining the steps the Public Defender's Office will take to ensure access for LEP individuals: 1) The number of LEP persons eligible to be served or likely to be encountered by a program, activity, or service(s) of the Public Defender's Office; 2) The frequency with which LEP individuals come in contact with the program; activity or service(s) provided by the Public Defender's Office; 3) The nature and importance of the program, activity, or service(s) provided by the program to people's lives; and, 4) The resources available to the recipient and costs to the Public Defender's Office for providing these resources. A self-assessment undertaken in each of these areas is as follows:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service within the Public Defender's Office.

With regards to Pima County's "Census 2000", it shows that the total population is 843,700. Spanish is spoken by 179,600 individuals, or 23% of the population. Of those who speak Spanish, 65,100 individuals (36%) reported speaking English less than "very well." These Spanish-speaking LEP individuals comprise 8% of the total population of Pima County. Other languages spoken were a much smaller proportion of the total population of Pima County (3.5%), and those who identified themselves as LEP individuals in these other languages comprise only 1.2% of the total population of Pima County. The 2005 American Community Survey (ACS) for Tucson (conducted by the US Census Bureau) also indicates that Spanish speaking LEP individuals are most likely to be encountered, comprising 86% of LEP persons in the City of Tucson, and 10% of the total population. Spanish speakers encompass 8% of the primary LEP individuals encountered by the Public Defender's Office and approximately 1 % LEP individuals of different languages. This 8% percent LEP individuals includes current clients, clients that are in jail and/or clients that encounter immigration issues and are deported back to Mexico, or other countries.

2. The frequency with which LEP individuals come in contact with the City's Public Defender's Office.

The Public Defender's Office assesses the frequency at which staff has or could possibly have contact with LEP individuals by utilizing a variety of data sources, including the Census Data for the City of Tucson and Pima County. This includes examining telephone inquiries and daily contact the reception desk has with Spanish speaking LEP individuals. The Public Defender's Office provides oral language assistance with the use of bilingual employees, in explaining legal process and proceedings, upcoming court dates, telephone numbers of different agencies to contact for additional information. The Public Defender's Office will utilize the City's contract interpreters when needed. The Public Defender's Office will also provide interview interpreting, proceedings interpreting, witness interpreting, and sign interpreting to our LEP clients.

3. The nature and importance of the program, activity or service provided by the recipient to people's lives.

The Public Defender's Office will continue to provide assistance to our LEP clients in regards to their rights, their legal options, and who to contact for additional information. Many staff hours are dedicated to complying with the above laws and ensuring that LEP individuals have the same access to services and information as individuals who fluently speak, read, and write English. Additionally, Spanish speaking defendants regularly walk-in to the reception desk with questions regarding their cases. It is crucial to these individuals that they understand their legal rights and legal options.

The Public Defender's Office recurrently assesses the availability of resources that may be used to provide language assistance. This includes identifying bilingual staff, reviewing the existing City of Tucson contracts for professional translation-services providers, determining which documents should be translated, and deciding what level of staff training is needed.

In accordance with the four factors above, the Public Defender's Office has developed the following plan for providing language assistance to LEP persons.

There are five areas that comprise the Pubic Defender's Office LEP plan:

1. Identifying LEP individuals who need language assistance
2. Language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the LEP plan

As stated above, the Census 2000 and American Community Survey data indicate that Spanish-speaking LEP persons are the primary group requiring language assistance. This information can also be used to identify concentrations of LEP persons within the service area. There are nine zip code areas with a higher percentage of LEP persons than the overall Tucson population: 85701,85705,85706,85711,85713,85714,85736,85745 and 85746.

In general, there are higher populations of LEP persons on the south and west sides of the City of Tucson, and specifically in the area located between 1-10 and 1-19. Identifying concentrations of LEP persons helps to ensure that they receive the necessary language assistance measures.

- Officers generally indicate the victim's preferred language in the police report.
- Public Defenders will also note the language preference of defendants, and witnesses on the case face sheet.
- When Spanish speakers call the reception desk, the Public Defender's Office has one bilingual receptionist to assist the Spanish speaker. Upon the unavailability of a bilingual receptionist telephone calls are forwarded to other bilingual staff members for assistance.
- Spanish speakers who appear at the Reception Desk are greeted and assisted by a bilingual employee.
- When Spanish speakers call the office and leave messages for their assigned Public Defender to return a telephone call, the receptionist will forward an email with a notation, **Spanish Speaker only**, to the appropriate Public Defender. If a Public Defender does not speak Spanish, return calls are assisted using a bilingual employee.
- Minute entries received from the court will indicate if the client is LEP. The Customer Service Rep who opens and assigns cases will make a notation to the Public Defender. The Public Defender, if necessary, will coordinate with a bilingual staff member in setting up oral interviews with our LEP client(s).

There are several language assistance measures available to LEP persons through the Public Defender's Office. Staff is prepared to respond in the most appropriate way to serve LEP clients i.e., person to person, by telephone, or in writing.

Services include the availability of bilingual staff members who provide interpreting services at the reception desk, client interviews in the office, telephone reception, telephone intake calls, return telephone calls, client interviews at the Pima County Jail .. Spanish speaking bilingual staff members are available at all times and available for client interviews upon request. In addition, written language services are available to our Spanish LEP clients and include notification in letters and pamphlets which ensure clients access to their legal rights and legal options.

A few examples of the English/Spanish versions of printed correspondence available to our LEP clients include notification letters, on-going case letters and minute entries. These written communications are printed in both English/Spanish or as needed for our LEP clients. Our bilingual staff is ready to assist with the composition of necessary correspondence both in English/Spanish. Here are a few examples of the English/Spanish correspondence provided to the Public Defender's LEP clients.

- Public Defender's Initial Notification Letter
 - Client In-Custody Letter
 - Client Out-of-Custody Letter
 - New Date for Interview Letter
 - New Date Plus Trial Acknowledgement Letter
 - Warrant, Warrant and Intent to Withdraw, and Warrant and Order to Show Cause Letters
 - Long Distance Change of Plea
 - Motion to Continue to Complete Mental Health Diversion A TT20SP
 - Motion to Continue to Complete Diversion A TT60SP
 - Diversion Termination Set for Hearing Letter
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- Spanish-speaking callers and visitors are greeted by our bilingual Customer Service Receptionist.
 - To ensure that bilingual staff service providers are competent, they must demonstrate proficiency and the ability to communicate information accurately in both English and Spanish. Proficiency is determined by the City of Tucson Human Resources Department.
 - Contracted professional services are used to translate more complex and lengthy information, and for immediate LEP customer interactions, including sign language interpretation which falls under both LEP and ADA
 - Other LEP foreign language speakers are seen infrequently and those situations are handled on a case by case basis. Our standard procedure is to contact an existing City of Tucson professional translation-service provider and set up a time when a translator can be available to assist the LEP individual either on the telephone or in our office.

It is important that staff members, especially those with direct public contact, know their obligation to provide meaningful access to information and services for LEP persons. Even staff members who do not interact regularly with LEP persons should be aware of and understand the LEP plan. Training staff is a key element in the effective plan implementation.

The primary staff members critical to the LEP plan are the Customer Service Clerks, Legal Secretaries and the Public Defenders. These staff members have the most frequent contact with LEP persons through daily interaction with defendants, either in-person or by telephone. They are most likely to encounter LEP persons and thus to provide language assistance. LEP training for these staff members will occur during their initial departmental training. Training topics will include:

- Understanding the Title VI LEP responsibilities
- What language assistance services are available for our LEP clients
- Specific departmental procedures to be followed when encountering an LEP person
- How to contact translation services if needed

Copies of the LEP plan will be made available to department supervisors, and it is their responsibility to disseminate LEP plan information to their appropriate staff. Supervisors ensure that staff understands Title VI responsibilities.

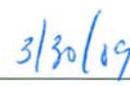
The Public Defender's Office will follow the Title VI Program update schedule for the LEP plan. The Public Defender's Office will meet with its staff on an annual basis to gather more accurate data to better serve our LEP clients and will make changes to our LEP Plan if necessary.

National origin discrimination complaints from LEP persons forwarded to the Public Defender's Office, will be reviewed and then forwarded to the City of Tucson's Office of Equal Opportunity Programs (OEOP) according to City policy.

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