

**ALASKA COURT SYSTEM
LANGUAGE ACCESS PLAN
January 2020**

I. Legal Background

The obligation to provide services to persons of limited English proficiency (LEP)¹ in the court system arises from the constitutional requirements of equal protection and due process of law, as well as Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d, and the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Safe Streets Act), 42 U.S.C. § 3789d(c)(1). Title VI of the Safe Streets Act prohibits recipients of Federal financial assistance from discriminating on the basis of national origin (among other bases) in funded programs or activities. As a result, and as explained by the United States Department of Justice (DOJ) regulations implementing Title VI and the Safe Streets Act, recipients of Federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by LEP persons.

Executive Order 13166 directs every Federal agency that provides financial assistance to recipients to publish guidance about how those recipients can ensure meaningful access to their programs and activities by individuals who, as a result of national origin, are LEP. Executive Order No. 13166, 65 Fed. Reg. 50121 (August 16, 2000). Pursuant to Executive Order 13166, on June 18, 2002, DOJ published a guidance document for recipients regarding LEP issues. *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41455 (June 18, 2002) (DOJ Guidance). Courts receiving federal financial assistance are specifically addressed by the DOJ Guidance.

Funding recipients must take reasonable steps to ensure that LEP persons have meaningful access to their programs and activities. To satisfy this standard, the DOJ Guidance emphasizes the importance of balancing the following four factors: 1) the number or proportion of LEP persons served or encountered in the eligible service population; 2) the frequency with which LEP individuals come in contact with the program; 3) the nature and importance of the program, activity, or service provided by the program; and 4) the resources available to the recipient and costs. The DOJ Guidance further notes that recipients should develop a written plan to address the identified needs of the LEP populations they serve.

In response, the Alaska Court System (ACS) developed this Language Access Plan (LAP) to document the reasonable steps it is taking to ensure that all individuals have meaningful access to the court system, regardless of their national origin or limited ability to read, write, speak, or understand English. The LAP describes existing and contemplated programs and policies that provide language services to LEP persons.

II. Historical Background

In 1997, the Alaska Supreme Court Fairness and Access Committee recommended four initiatives to improve language access in the courts:

1. The Alaska Court System should train judicial officers on the appointment and supervision of language interpreters in criminal and civil proceedings.

¹ LEP individuals are person who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

2. The Alaska Court System should recruit and train local interpreters of commonly used languages.
3. The Alaska Supreme Court should promulgate new court rules establishing qualifications and ethical standards for language interpreters in criminal and civil proceedings. The new rules should also govern appointment and payment of interpreters.
4. The Alaska Court System should work with justice agencies to determine the most efficient way to hire and pay for interpreters in civil and criminal proceedings.²

To implement these recommendations, the ACS worked with the National Center for State Courts and the Consortium for State Court Interpreter Certification (now the Consortium for Language Access in the Courts) to develop an interpreter training program. In addition, court administration embarked on a series of initiatives to:

- train professional interpreters;
- educate judicial officers, court staff, and the legal community on the role of interpreters;
- develop a statewide system to schedule and monitor interpreting services; and
- revise policies and court rules.

III. LEP Population Needs Assessment

U.S. Census information published in 2011 (Table 4. Language Spoken at home and English Speaking Ability by State at www.census.gov/acs/www/), reports the following for Alaska.

	<u>Number</u>	<u>Percent</u>
Population 5 years and over:	668,687	
Speak a language other than English at home:	111,319	16.6
Percent of the above's English-speaking ability:		
Speak English "very well"		69.2
Speak English "well"		20.9
Speak English "not well"		8.6
Speak English "not at all"		1.3

The Census data also reveals that Alaska's Pacific Islander population more than doubled over the last decade.

The Alaska Department of Labor and Workforce Development (DOLWD) reports that Alaska has the most diverse communities in the United States and more than 100 languages are spoken in local

² Alaska Supreme Court Advisory Committee on Fairness and Access, October 31, 1997

school districts. According to the DOLWD, more than 50,000 foreign-born “immigrants residing in Alaska, have a higher English proficiency than immigrants in the nation as a whole.”³

Among Alaska immigrants older than five, four out of five speak a language other than English at home. About 60 percent speak an Asian or Pacific Island language and around 18 percent speak Spanish. Around 82 percent of Alaska immigrants say they speak English at least “well”; nationally the rate is around 70 percent. Only 4 percent of Alaskan immigrants speak no English at all, compared to 10 percent nationally.⁴

The Anchorage School District (ASD), the largest district in the state, reports that most ASD families—80 percent—speak English at home. The remaining 20 percent speak 110 languages. The top four languages spoken by those students are:

1. Spanish
2. Hmong
3. Samoan
4. Filipino (Tagalog)
5. Korean

Of course, immigration is not the only reason that English is not some Alaska residents’ first language. According to figures assembled by the University of Alaska Fairbanks, there are about 10,000 Native speakers of Yup’ik in Alaska. It is the primary language for many residents in villages along the Yukon-Kuskokwim region.

In 2018 fiscal year, there were over 1,100 requests for interpreters, and interpretation or translation was needed in over forty different languages. The requests came in all case types—criminal, civil, child-in-need-of-aid, probate, delinquency, minor offenses, and others.⁵

In FY 2018, Spanish was the language most frequently requested. Other language most needed include Samoan, Korean, Hmong, Tagalog, Russian, and Arabic. There are also requests for interpreters in Alaska Native languages. In the 2018 fiscal year, Yup’ik interpreters were provided thirty-seven times and Inupiat, once.

³ Alaska Department of Labor and Workforce Development Report: *Foreign-Born Alaskans: Where they originated and how immigration has shaped the state*, Eric Sandberg, March 2015, <http://laborstats.alaska.gov/trends/mar15art1.pdf>

⁴ *Id.*

⁵ Alaska Court System: Year in Review. Information located at <http://public.courts.alaska.gov/web/admin/docs/fy18.pdf>

**Use of Interpreters by the Court System, FY18
By Language**

Language	Number of Requests	Language	Number of Requests	Language	Number of Requests
Spanish	415	Mandarin	11	Cambodian	3
Samoan	116	Cebuano	11	Bulgarian	2
Korean	77	Thai	10	Filipino	2
Hmong	69	Visayan	9	Triqui	2
Tagalog	65	Neur	8	Urdu	2
Russian	45	Ukrainian	6	Inupiat	1
Arabic	40	Amharic	5	Kinyarwanda	1
Somali	37	Chuukese	5	Mongolian	1
Yup'ik	37	Ilocano	5	Portuguese	1
Vietnamese	33	Tigrinya	5	Sudanese	1
Laotian	27	Tongan	5	Swedish	1
French	16	Cantonese	4		
Swahili	16	Chamorro	4		
Albanian	15	Panjabi	4		
		Romanian	4	Interpreters are provided for customer service events	

By Case Type

Case Type	Number of Requests
Criminal	533
Civil	310
CINA	66
Minor offense	55
Probate	40
Delinquency	31
Small Claims	10
Underage Consuming	8
No case type recorded	20
Translation	6

IV. The Court Interpreter Program

The court interpreter program is managed by the Language Services Director and the Interpreter Services Coordinator. The program develops and implements policies and procedures regarding interpreters and the provision of language services generally and manages their day-to-day administration. Additionally, the Interpreter Services Coordinator is responsible for the recruitment, testing, and certification of interpreter candidates, and for the maintenance of a registry of qualified

interpreters contracted to provide in-person, telephonic, and video remote interpreting for courtroom proceedings.⁶

A. Court Interpreter Qualifications

The Alaska Court System has two spoken language interpreter categories: 1) Certified Interpreter; and 2) Qualified Interpreter. Interpreters in these two categories have:

- Completed the orientation program;
- Passed an oral proficiency inventory ;
- Passed a criminal background check;
- Passed the National Center for State Courts Written Proficiency Examination; and
- Agreed to abide by the Code of Professional Responsibility for Interpreters in the Judiciary.

In addition to the above requirements, a certified interpreter has passed the NCSC oral performance examination in his/her particular language with a minimum score of 70% in each of the exam's three sections: simultaneous, consecutive, and sight translation.

B. Court Interpreters

ACS schedules qualified and approved interpreters for courtroom hearings and other events using these resources:

- Alaska Language Interpreter Center;⁷
- National Center for State Courts Interpreter Database;
- Freelance contracted interpreters;
- Staff court interpreters from other jurisdictions; and
- National vendors providing legally trained interpreters.

Due to the difficulty of obtaining qualified interpreters in Yup'ik and Samoan, bilingual court employees were trained and approved to interpret in the courtroom in limited matters until a more qualified Yup'ik or Samoan interpreter is unavailable.

V. Services Provided to LEP Individuals

Judicial officers and court staff are trained to recognize the needs of LEP individuals and to err on the side of caution in determining when to provide interpreting services, given the importance of ensuring that all participants have meaningful access to the judicial process. The court provides interpreting services when a person involved in a court proceeding, including defendants, victims, or

⁶ Information on the Alaska Court System's Interpreter Program is available on its homepage at <http://www.courts.alaska.gov/language/index.htm>

⁷ <http://www.akijp.org/language-interpreter-center/> The Language Interpreter Center provides trained and certified interpreters for medical, legal, and social service agencies.

witnesses, does not read, write, speak, or understand English sufficiently to participate in the proceedings. The court provides interpreters for all case types.

A. Interpreter Assistance during Court Proceedings and Court Services

In 2016, the Alaska Supreme Court amended *Administrative Rule 6: Interpreter Services in Court Proceedings for Persons with Limited English Proficiency* to expand the services ACS provides. Effective October 15, 2016, the court system provides and pays for the necessary services of an interpreter during court proceedings for all parties, witnesses, and victims with limited English proficiency, regardless of ability to pay or representation status. The court also provides interpreters for parents of juveniles in delinquency cases, and for out-of-home care providers, tribal representatives, and grandparents in Children in Need of Aid (CINA) proceedings.

In providing interpreting assistance, the court system strives to schedule the most qualified interpreter available. Interpreters appear in-person, telephonically, or by video remote technology. The Statewide Interpreter Services Coordinator schedules qualified interpreters through the Language Interpreter Center, Language Link (a national telephonic vendor), freelance interpreters, and interpreters listed on the National Center for State Courts Interpreter Database.

Customer service staff has access to Language Link telephonic service at any point of contact with an LEP customer.

B. Other Interpreting Resources

In addition to courtroom interpreters, the court system provides additional resources to the courts and customer service counters to communicate with LEP persons:

1. "I Speak" Poster

If a person appears at a court and it is unclear what language the person speaks, court personnel use the "I Speak" poster to identify the language spoken.⁸ The "I Speak" poster contains the sentence "I speak (language)" translated from English into several foreign languages. The poster also features a map showing Alaska Native languages. LEP persons can point to their language so that an interpreter may be requested. The I Speak poster is available at <http://www.courts.alaska.gov/language/poster-flags.pdf>.

⁸ "I Speak" is a publication of the Ohio Criminal Justice Services. The Alaska Court System also provides country flags to assist LEP persons who are unable to read or write. These and other resources are available at <http://www.courts.alaska.gov/language/info-attorneys.htm> and <http://www.courts.alaska.gov/language/poster-flags.pdf>

-  Arabic
أنا أتحدث اللغة العربية
-  Armenian
Ես խոսում եմ հայերեն
-  Bengali
আমি বাংলা কথা বলতে পারি
-  Bosnian
Ja govorim bosanski
-  Bulgarian
Аз говоря български
-  Burmese
ကျွန်ုပ်တို့က မြန်မာစကားပြောနိုင်ပါသည်။
-  Cambodian
ខ្ញុំនិយាយភាសាខ្មែរ
-  Cantonese
我講廣東話 (Traditional)
我讲广东话 (Simplified)
-  Catalan
Parlo català
-  Croatian
Govorim hrvatski
-  Czech
Mluvim česky
-  Dari
من دری حرف می زنم
-  Dutch
Ik spreek het Nederlands
-  Farsi
من فارسی صحبت می کنم
-  French
Je parle français
-  German
Ich spreche Deutsch
-  Greek
Μιλώ τα ελληνικά
-  Gujarati
હું ગુજરાતી બોલું છું
-  Haitian Creole
M pale kreyòl ayisyen
-  Hebrew
אני מדבר עברית
-  Hindi
मैं हिंदी बोलता हूँ।
-  Hmong
Kuv has lug Moob

I speak...

-  Hungarian
Beszéllek magyarul
-  Ilocano
Agsaonak ti Ilokano
-  Italian
Parlo italiano
-  Japanese
私は日本語を話す
-  Kachchikwetl
Qun chagüé ká chábal nún ti tzuon cakochiquel
-  Korean
한국어 합니다
-  Kurdish
man Kurdî zaanim
-  Kurmancî
man Kurmaanjîl zaanim
-  Laotian
ຂ້ອຍເປົາພາລາລາວ
-  Latvian
Es runāju latviski
-  Lithuanian
Aš kalbu lietuviškai
-  Mandarin
我讲普通话 (Traditional)
我讲国语/普通话 (Simplified)
-  Mam
Bán chiyola tuj kiyol mam
-  Mon
ကျွန်ုပ်တို့က မြန်မာစကားပြောနိုင်ပါသည်။
-  Norwegian
Jeg snakker norsk
-  Persian
من فارسی صحبت می کنم
-  Polish
Mówię po polsku
-  Portuguese
Eu falo português do Brasil (for Brazil)
Eu falo português de Portugal (for Portugal)
-  Punjabi
ਮੈਂ ਪੰਜਾਬੀ ਬੋਲਦਾ/ਬੋਲਦੀ ਹਾਂ।

-  Qanjobal
Ayn ti chi vai q'anjob'al
-  Quiche
In k'inch'aw k'uin ch'e quiche
-  Romanian
Vorbesc românește
-  Russian
Я говорю по-русски
-  Slovak
Hovorim po slovensky
-  Serbian
Ja govorim srpski
-  Somali
Waxaan ku hadlaa af-Soomaalí
-  Spanish
Yo hablo español
-  Swahili
Ninaongea Kiswahili
-  Swedish
Jag talar svenska
-  Tagalog
Marunong akong mag-Tagalog
-  Thai
พูดภาษาไทย
-  Turkish
Türkçe konuşurum
-  Ukrainian
Я розмовляю українською мовою
-  Urdu
میں اردو بولتا ہوں
-  Vietnamese
Tôi nói tiếng Việt
-  Welsh
Dwi'n siarad
-  Xhosa
Nditheha isiXhosa
-  Yoruba
Mo nso Yooba
-  Zulu
Ngiyasikhuluma isiZulu

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TTY (800) 669-6820

Manual for this poster was developed by the Ohio Office of Criminal Justice Services under Award No. 2003-EG-BGV-1671. We included flags as visual cues to assist non-English speakers to identify their language. Many of these languages are spoken in more than one location.



2. Telephonic language interpretation

In addition to needing interpreters during court proceedings, persons coming to the court may require language assistance for other purposes, such as finding case information, information on court forms, or where to go for a particular courtroom event. To aid in providing such assistance, court personnel have access to a 24/7 telephonic service.

VI. Training and Technical Assistance Regarding Provision of Languages Services

A. Resources Provided to Judges

The Administrative Office's language service staff provides ongoing training for judicial officers on a one-on-one basis and at annual statewide judicial conferences. The Language Services Director and the Interpreter Services Coordinator are available to participate in prep-trial hearings about interpreter logistics to educate the parties and attorneys, provide information about interpreter ethics and best practices. These hearings are often used to ensure the LEP individual and the interpreter understand each other before the substantive hearing or trial occurs. The judge may use the hearing to conduct a voir dire of the interpreter's qualifications.

Other resources provided for judicial officers include:

- Website Frequently Asked Questions (FAQs) about Language Interpreters in the Courtroom
- Administrative Bulletin No. 82: Interpreter Fees
- Code of Professional Responsibility for Court Interpreters
- I Speak: Poster with Flags
- Interpreting Terminology
- Language Identification Flashcards
- Modes of Interpreting
- Policy for Providing Interpreter (Supreme Court Order 1896)
- Statewide Arraignment Scripts in Hmong, Spanish, Yup'ik, Russian, Korean, Tagalog
- Questions for Qualifying Non-Certified Interpreters
- Tips for Working with Interpreters in the Courtroom
- Bench Card: Guide to Proceedings Involving Interpreters and Persons of Limited English Proficiency
- Guide to Standards for Interpreted Proceedings
- Judges' Portal (New Mexico Center for Language Access)
- Sample Instructions for a Murder Trial
- National Center for State Courts (NCSC) Video Remote Resource Center

B. Information Provided to Attorneys

The Administrative Office routinely updates information for attorneys on how the Alaska Court System provides language services. These resources are available on the court system's home page at <http://www.courts.alaska.gov/language/info-attorneys.htm> . Attorneys also have direct access to the court system's Interpreter Services Coordinator, who schedules interpreter services statewide.

C. Information Provided to Court Personnel

The court system provides annual training to clerks of court at the statewide clerks' conference. Periodic updates are provided at monthly clerk of court teleconferences.

In addition, the following resources are provided for clerks of court and court personnel:

- Bench Card: Guide to Proceedings Involving Interpreters and Persons of Limited English Proficiency
- Language Services in the Courtroom
- I Speak Poster and Cards
- CTS LanguageLink Services
- Scheduling an Interpreter Through CourtView
- Modes of Interpreting in Courtroom Proceedings
- The Code of Professional Responsibility for Interpreters
- Policy for Providing Interpreter (Supreme Court Order No. 1896)

V. Initiatives Implemented to Improve Language Access Services Statewide

1. Statewide Interpreter Services Coordinator

The Alaska Court System employs a full-time statewide Interpreter Services Coordinator who trains interpreter candidates and is responsible for the scheduling and payment of their services. The Interpreter Services Coordinator develops and maintains a statewide scheduling system using CourtView, the case management system (CMS). The Coordinator identifies the best method to provide interpreter services and educates judicial officers and attorneys about best practices.

2. CourtView

CourtView, the court's statewide case management system, provides a tool for trial courts to record an LEP person's language needs so that interpreter services can be provided more efficiently and in multiple cases with which the LEP individual may be involved. In the internal/non-public version of Courtview, the Interpreter Services Coordinator also documents the method to provide services and information specific to the interpreter so any court employee or judge can access the information and be apprised about the scheduled interpreter event.

CourtView Screen showing language dropdown box:

The screenshot displays the 'Physical Characteristics Maintenance' window in CourtView 2.69. The window title bar includes 'File', 'Modules', 'Functions', 'Reports', 'Codes', 'Identities', 'Favorites', 'Index', 'Plug-Ins', 'Tools', 'Transmissions', and 'Help'. The main form area contains several fields: 'Full Name' (redacted), 'Gender', 'Race', 'Ethnicity', 'Citizen Of', 'Age Range', 'Height', 'Weight', 'Eyes', 'Hair', 'Facial Hair', 'Teeth', 'Body Build', 'Complexion', 'Language' (dropdown menu with 'Tagalog' selected), 'Religion', 'Disabled', and 'Level of Education'. A 'Photo' field is also present. Below these fields are sections for 'Scar, Mark and Tattoo' (0 of 0) and 'Special Requirements' (1 of 1), with 'Interpreter' selected in the latter. A sidebar on the left contains buttons for 'Close', 'Open', 'Save', 'Print', and 'Add Record'.

3. Addressing the Need for Yup'ik Interpreters

To meet the needs of the 10,000 Native speakers of Yup'ik in Alaska, the court system recently produced a Yup'ik language arraignment video that explains for defendants their rights in the criminal process, including the right to a lawyer, the nature of criminal pleas, bail, and extradition.

To further address this need, a Yup'ik/English speaking court employee completed the training and testing required for providing interpreting for courtroom events. The employee is available in an emergency and until a more experienced Yup'ik interpreter is scheduled.

Work has begun to develop a legal glossary in Yup'ik to provide accepted terminology. Not only is the structure of the language very different than English, but many words used in legal proceedings have no analogous term in Yup'ik so the need exists to create an acceptable way to describe accurately the meanings.

To increase the number of trained Yup'ik interpreters, court administration will appoint a Bethel-based steering committee tasked with determining a way to train and qualify Yup'ik speakers for court interpreting. The committee will be chaired by a judicial officer familiar with the needs of the Bethel Region and be comprised of individuals from the legal entities and the local Native groups. Court system personnel will serve as a resource to the steering committee.

4. Administrative Rule 6

[Under Rule 6](#), the court system provides and pays for the necessary services of an interpreter during court proceedings for all parties, witnesses, and victims with limited English proficiency, regardless of ability to pay or representation status. The court system also provides interpreters for the parents of juveniles in delinquency cases, and for out-of-home care providers, tribal representatives, and grandparents in CINA proceedings.

5. Administrative Bulletin No. 82: Interpreter Fees

[Administrative Bulletin No. 82](#) outlines the court system's payment policies and rates for interpreters contracted to provide interpreter services. The interpreter services coordinator manages the scheduling and payment of interpreters for the Alaska Court System.

6. Tracking of Interpreting Needs

Systems are in place to track interpreter service needs. The interpreter services coordinator works collaboratively with the fiscal department to track language needs, interpreting costs, case type, and delivery methods. Quarterly statistics are also provided by district and court location.

7. National Database of Interpreters

The National Center for State Courts provides a database of qualified interpreters available to state courts. The Alaska Court System uses this database to meet its diverse interpreting

needs. Additionally, the Alaska Court System has contracted with several interpreters who interpret in commonly needed languages and trained many of them to use the Alaska Court System's video remote system. This enables the court system to provide qualified state court interpreters from other jurisdictions.

8. Online Interpreter Training Program

The Alaska Court System maintains an online interpreter orientation program. This enables the court to introduce the interpreting profession to interpreter candidates on a statewide basis. The training sessions include: professional ethics, court terminology, ethical scenarios, and steps in the interpreting certification process. The online program offers self-tests and video demonstrations of professional court interpreters performing in the courtroom setting.

9. Sign Language Interpreters

The Alaska Court System contracts with RID (Registry of Interpreters for the Deaf) certified interpreters for courtroom proceedings and jury selection. Interpreters appear in-person or by video remote technology, when appropriate.

10. Video Remote Interpreting (VRI)

The Alaska Court System uses video remote technology to provide high-quality language interpretation to most court locations. VRI continues to expand as adequate bandwidth is made available. With sufficient bandwidth, video remote can also be used to provide sign language interpretation. VRI enables the court system to use court-trained interpreters from other jurisdictions.

In 2020, the Alaska Court System will use the National Center for State Courts (NCSC) online Video Remote Training Program to educate VRI interpreters about the courts' expectations of providing service using video remote technology. Through a NCSC grant, the Alaska Court System is also producing an additional VRI training module addressing our court-specific technology and professional expectations.

11. Translation

The court system continues to explore how to provide translations of the most requested forms or notices into the most commonly requested languages. As needed, translations of court documents are provided upon the request of judicial officers or court staff as a way to aid LEP individuals. For instance, court staff will use the LanguageLink to assist an LEP person to complete a form for a domestic violence protective order.

12. Language Access Task Force

The Language Access Task Force makes recommendations to the administrative director for improving access to Alaska courts for individuals with LEP. The task force responds to complaints about all aspects of interpreter services including, but not limited to, ethical violations, interpreter competency, and the logistics of providing interpreter services for

