



UPSHUR COUNTY, TEXAS

2017 UPSHUR COUNTY
LIMITED ENGLISH PROFICIENCY (LEP) PLAN

UPSHUR COUNTY
P.O. BOX 730
GILMER, TEXAS 75644

UPSHUR COUNTY LIMITED ENGLISH PROFICIENCY (LEP) PLAN

LEGAL BASIS AND PURPOSE

Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, signed on August 11, 2000, clarified Limited English Proficiency (LEP) requirements under Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The order mandated that persons whose primary language is not English and who have a limited ability to speak, read, write, or understand English are entitled to language assistance with respect to a particular service, benefit, or encounter. All federal funding recipients are expected to make reasonable efforts to provide this language assistance. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with Upshur County offices or departments.

This LEP Plan was developed to ensure equal access to county and court services for persons with limited English proficiency and hearing impaired persons. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to the need for certified interpreters.

NEEDS ASSESSMENT

The County of Upshur provides services to a wide range of persons, including people who do not speak English or who are hearing impaired. Most of the services provided are through law enforcement, District Attorney's Office, District and County Courts for both civil and criminal matters, Justice of the Peace Courts, District and County Clerk's offices, Tax Assessor/Collector, and less frequently other county offices.

According to the 2010 U.S. Census, the population of Upshur County was 39,309. Demographics estimate the population is made up of 87% Caucasian; 9% African American; 4% Hispanic; and less than 1% Other. According to information provided by the 2013 Limited English Proficiency Mapping Tool, the total LEP percent for Upshur County is 2.336%, which is primarily Spanish-speaking.

In order to prepare this plan, Upshur County used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons within the eligible area.
2. The frequency with which LEP persons come in contact with Upshur County staff.
3. The nature and importance of programs or services provided by Upshur County.
4. The interpretation services and resources available to Upshur County and overall cost.

FOUR-FACTOR ANALYSIS

Factor 1. The number or proportion of LEP persons within the eligible area.

The eligible area for this four-factor analysis is Upshur County, Texas, a rural county in Northeast Texas. The most recent data, as stated above, shows that less than three percent of residents are not proficient with the English language. A survey was conducted throughout Upshur County's Departments, Divisions, and Elected Offices: The County Auditor, the County Commissioners, the County Clerk, the County Court, the District Clerk, the District Court, the District Attorney, Justices of the Peace, Adult Probation, Juvenile Probation, the Sheriff's Office, the Tax Assessor/Collector, the County Treasurer and the Extension Service. The majority of the respondents indicated that they encountered very few problems with LEP in their activities. With the exception of two deaf persons in court, all encounters with LEP individuals were Spanish-speaking. The Courts and law enforcement have access to interpreters on an as needed basis.

Factor 2. The frequency with which LEP persons come in contact with Upshur County staff.

The Auditor's Office, the Treasurer's Office, the County Commissioners' Office and the County Clerk's Office all reported less than two percent of their encounters with the public are with LEP persons. All other Departments or Divisions reported five percent or less of contact with citizens or victims involve people with limited English proficiency. It was reported that many of the Spanish-speaking LEP individuals bring English-speaking friends or family with them to the courthouse or other county offices.

Factor 3. The nature and importance of programs or services provided by Upshur County.

The Tax Assessor/Collector assists citizens with vehicle registration and property taxes, and has a Spanish/English bilingual employee in their office to assist with LEP individuals.

The majority of programs and services provided by the County involve law enforcement and criminal or civil matters handled in the various courts and the District Attorney's Office, the District Clerk's Office and the County Clerk's Office. Some individuals in the criminal system will also have encounters with Juvenile or Adult Probation. The Sheriff's Office employs one or more bilingual Spanish-speaking deputies, in addition to a bilingual jailer. The following departments have bilingual Spanish speaking personnel who are available to assist LEP individuals: The District Attorney's Office, Adult Probation, and Juvenile Probation.

Factor 4. The interpretation services and resources available to Upshur County and overall cost.

Although Upshur County serves a very limited number of LEP persons, the County is committed to removing as many barriers to information access as feasible. Occasionally requests for an interpreter are made in the courts, but the small number of requests would not require a full-time

interpreter. Bilingual employees have offices in almost every county building and are readily available to assist with LEP persons.

Numerous brochures and pamphlets are provided in both English and Spanish for crime victims. English and Spanish posters are displayed as well. All of these materials are available at several locations throughout the County Courthouse, Criminal Justice Center, and annex buildings. Domestic Violence Packets have been provided to local law enforcement by the District Attorney's Office which include several forms in English & Spanish, such as Victim's Statement, Notice To Victims of Domestic Violence, Medical Records Request and Crime Victims Rights brochures. In addition, Protective Order Packets are also available in Spanish.

Although the Courts and other county offices have had very few encounters with deaf or hard of hearing individuals, assistance is available. The Family Violence Prosecutor is proficient in American Sign Language and Signed English for the Deaf. Brochures for Deaf/Hard of Hearing are available for victims of Domestic Violence. When requested, the Courts have access to certified Sign Language Interpreters from surrounding counties. Amplification Assistance Devices are available for the hard of hearing.

The District Court and County Court, as well as the District Attorney's Office, contract with JK Consultants, a certified Spanish interpreting service, for court hearings and any other needs that cannot be addressed by bilingual employees. In addition, all departments utilize telephonic translation services such as Language Line and Master Word, when necessary to assist citizens who speak languages not common to our area.

Interpreters Used In the Courtroom

In the Upshur County District Court and County Court, sign language interpreters will be provided at court expense for all deaf court participants in compliance with the Americans with Disabilities Act. Spoken language interpreters will be provided at no cost to the court participants who are "handicapped in communication" under the following circumstances:

- Interpreters will be provided at no cost for litigants and witnesses in criminal hearings;
- Interpreters will be provided at no cost for litigants and witnesses in juvenile hearings;
- Interpreters will be provided at no cost for litigants and witnesses in child support hearings; and

Alternatively, payments for any activities requiring interpreter services on behalf of law enforcement, prosecutors, or corrections agents other than court appearances is the responsibility of the agency that requests the services.

Determining the Need for an Interpreter in the Courtroom

There are various ways that the Upshur County Courts will determine whether an LEP court participant needs an interpreter for a court hearing. First, the LEP person may request an interpreter. The Upshur County District Court and County Court will display a sign translated

into Spanish which states: “*You may have the right to a court-appointed interpreter in a court case. Please ask the Judge, or the Judge’s assistant.*” Upshur County will display this sign at the following locations: The Criminal Justice Center lobby, and the County Courthouse lobby and near the entrance to the County Court.

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, law enforcement, attorneys, social workers, Victim Assistance Coordinator, or correctional facilities may notify the court about an LEP individual’s need for an interpreter for an upcoming a court hearing.

Spoken Language Services Outside The Courtroom

Upshur County takes reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. LEP individuals may come in contact with county personnel via the phone or in person. Some LEP persons prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the County. Children will **not** be used to interpret. These provisions are to ensure confidentiality and accurate communication. To that end, Upshur County has the following resources to help LEP individuals and staff communicate with each other:

- Bilingual employees in the Spanish language.
- Language Line when interpreters are not available
- Certified interpreters (requires advanced notice)

Translated Forms & Documents

- The Probation Department has the following forms available in Spanish: Conditions of Probation, Orientation & Community Service paperwork, Personal Data Sheet, Monthly Report Form, Admission of Drug/Alcohol Use, Alcohol & Drug Evaluation, DWI Class Notification & Updates, and “English as a Second Language” (ESL) Class information.
- The District Attorney’s Office ensures that Domestic Abuse forms are available in Spanish including: Protective Order Application, Protective Order Guidelines, Notice to Victims of Domestic Abuse, Victim Statement form for Law Enforcement, Medical Records Release, and numerous pamphlets, brochures, and informational materials related to Domestic Violence, Sexual Assault, and Victims’ Rights in the Criminal Justice System. Informational posters in English and Spanish regarding these topics are

displayed in the District Attorney's Office reception area, Victim Assistance Coordinator's office and the Family Violence Prosecutor's office.

LANGUAGE ACCESS PLAN

Language measures currently used and planned to be used by Upshur County to address the needs of and reduce language barriers to LEP persons include the following:

- Post signage at County Offices that language interpretation is available if requested
- Post notice of the LEP Plan on the County website with information on where to review it
- Provide a copy of the LEP Plan to each County Department or Division for employee review
- Upshur County has bilingual staff at several locations around the county and will provide a resource list of bilingual employees, the department they work in, and their extension numbers so that should an interpreter be needed, in person, or on the telephone, the person is referred to a bilingual employee.
- Continue to provide services through JK Consultants, Language Line, Master Word, and all other resources currently available
- Provide each department or office with a description of language assistance services offered to the public, including telephonic services
- Collaborate with local agencies and institutions who are able to provide interpretation and translation services
- Provide outreach literature in Spanish (includes brochures, pamphlets, handouts, etc.)
- Review Census data when released to examine any potential changes to the LEP population.
- Review the LEP Plan annually and update as needed based upon interviews with department personnel focusing on any new LEP encounters or requests for assistance, review of changes in resources lists, and review of changes in available local resources.

PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

LEP Plan Approval & Notification

The Upshur County LEP Plan has been approved by the County Judge, and a copy has been provided to each Elected County Official and Department Head. Any revisions to the plan will be submitted to the County Judge for approval. Copies of the Upshur County LEP plan will be provided upon request. In addition, Upshur County will post notice of this Plan on its website.

Annual Evaluation of the LEP Plan

Upshur County will conduct an annual needs assessment to determine whether changes to the LEP plan are required. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods.

Any revisions made to the Plan will be communicated to all county personnel, and an updated version of the Plan will be available in the County Judge's Office, and reference to the Plan posted on the County's web site.

LEP Contact Person

Judge Dean Fowler
Upshur County Judge
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The effective date of this LEP plan is February 1, 2017.

Signed



Judge Dean Fowler