

Auxiliary Aids Plan Office of the State Attorney Eighteenth Judicial Circuit

LEGAL AUTHORITY

Section 602 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d states that,

“No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The State Attorney’s Office, 18th Judicial Circuit, hereinafter referred to as the Agency or (SAO), shall comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as implemented by 45 C.F.R. Part 84 (hereinafter referred to as Section 504) and the Americans with Disabilities Act of 1990, 42 U.S.C. 12131, as implemented by 28 C.F.R. Part 35 and Part 42, Subpart G (hereinafter referred to as ADA), Title VI of the Civil Rights Act of 1964, 42 U.S.C. 200D.ET.SEQ., at 45 CFR part 80.

POLICY STATEMENT

It is the policy of this Agency to ensure compliance with the ADA. No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of services, programs or activities of the Agency, or be subjected to discrimination in the provision of such services. The Agency will provide reasonable language accommodation services to qualified clients, participants, customers, victims, witnesses, and companions who are deaf, hard of hearing, or have limited English proficiency (LEP) . The Agency will provide accessibility and accommodations services to qualified client, participants, customers, victims, witnesses, and companions with disabilities. Such services will focus on providing access to Agency programs, the delivery of services and/or benefits. Accommodation and accessibility services will be provided at no cost to the individual.

DEFINITIONS

The following terms are used within this Plan. County Administrative Order AO1-15, Title: Americans with Disability Act, Citizen Reasonable Accommodation Request, approved 8/2012, definitions, are also incorporated and made a part thereof.

- **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d.et seq. And it’s implementing regulation at 45 CFR part 80** – The law that protects individuals from discrimination based on their race, color, or national origin under any program or activity that receives federal financial assistance.
- **Accommodation** – Assistance (Aid) by the Agency and/or the Court, which allows participation in an Agency scheduled, or Court ordered Proceeding.
- **Agency** – Office of the State Attorney, 18th Judicial Circuit, Brevard and Seminole Counties, Florida. Also referred to as SAO.

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- **Communication** – spoken language, sign language, hand written language, type-written language
- **Limited English Proficiency (LEP)** Any individual who cannot speak, read, write, type or understand the English language at a level that permits them to interact effectively with Agency staff.
- **Qualified Interpreters** – An individual that demonstrates proficiency in English and the second language; demonstrates knowledge in both language and of relevant specialized terms or concepts. Further qualifications are outlined <http://www.flcourts18.org/Programs>
- **Agency Interpreters** – Employees of the Agency who demonstrate proficiency in English and a second language.
- **Major Language Group** – The population with LEP in Brevard and Seminole Counties, Florida is Spanish.
- **Qualified Victim/Witness** – A person who is the primary victim, secondary victim, or witness of a pending or disposed criminal case occurring or assigned to the 18th Judicial Circuit’s jurisdiction. A companion of a qualified victim/witness.
- **SPOC** – Single Point of Contact – The employee designated in the Agency that ensures effective communication with deaf, hard of hearing, limited English qualified victim/witnesses and their companions.
- **LEPC** – Limited English Proficiency Coordinator – The employee designated in the Agency that ensures effective communication with qualified customers, victims, witnesses, and companions that have LEP.
- **504 Coordinator** – the employee designated in the Agency that ensures compliance with the prohibitions against disability discrimination as stated in 28 C.F.R. Part 42, Subpart G.

Plan Availability

This plan is available in alternative formats upon request. This plan will be disseminated through the SAO website: <http://www.sa18.org>.

Single Point of Contact and Limited English Proficiency Coordinator, 504 Coordinator Duties

The Single Point of Contact, (SPOC) , Limited English Proficiency Coordinator (LEPC), and 504 Coordinator, **Debbi Davis**, will ensure effective communication with deaf, hard of hearing or limited English proficiency (LEP) qualified victims/witnesses and their companions in accordance with Section 504 and the ADA. In addition, she will ensure that Agency employees and volunteers are aware of the requirements, roles, responsibilities, and contact points associated with compliance with Section 504 and the ADA.

Provision of Auxiliary Aids and Services

The SAO will at all times recognize that the qualified victim/witness and their companion’s disability or language preference is the primary consideration in determining what auxiliary aids or services to provide. If communication through a specific auxiliary aid or service is deemed to be ineffective, Agency staff will ask the qualified victim/witness and their companion to determine a more effective auxiliary aid or service for communication

Documentation shall be made in the corresponding criminal case file regarding the attempt to improve the effectiveness of auxiliary aids and services.

If qualified victim/witnesses and their companions are deaf, hard of hearing, or LEP, the Agency’s staff shall attempt to obtain auxiliary aids according to the communication assessment and request for services. All ASL interpreters’ certifications shall be verified.

Agency staff that is unfamiliar with the auxiliary aid or service requested shall contact **Debbi Davis**, 504/ADA Coordinator (Civil Rights Officer) for assistance in locating appropriate resources to ensure effective communication with qualified victim/witnesses and their companions.

Provision of Interpreters in a Timely Manner

- In accordance with the following standards, Agency staff will, to the best of their ability, provide services, accessibility or accommodations to qualified victims/witnesses and their companions with disabilities (hard of hearing, deaf or LEP) in a timely manner. These services will be free of charge.

Right to an Accommodation or Accessibility Standards

- Individuals with disabilities (deaf, hard of hearing, or LEP) who request accessibility or accommodations must be a primary victim, secondary victim, witness, or companion to said victims and witnesses in a pending or disposed criminal case, occurring or assigned in the jurisdiction of 18th Judicial Circuit.
- Individuals with disabilities (hard of hearing, deaf or LEP) who request accessibility or accommodation in order to participate in an Agency program or scheduled Agency proceedings, for example a Deposition or State Attorney Investigation (SAI) appointment, is entitled, at no costs, for certain assistance.
- Individuals with disabilities (hard of hearing, deaf or LEP) are not required to rely on or utilize their relatives, friends or companions as interpreters.
- Individuals with disabilities (hard of hearing, deaf or LEP) are not required to rely on or utilize their minor children as interpreters. Child interpreters are prohibited in order to protect the confidentiality of information and prevent inaccuracies in translation.
- Individuals with disabilities (hard of hearing, deaf or LEP) are not required to rely on or utilize Survivors as interpreters.
- Interpreters Program Information and criteria can be found at <http://www.flcourts18.org/Programs>
- Request for accommodations forms are available at the Agency and on line at <http://www.flcourts18.org/ada.html>.
- A right to file a grievance about the accommodation services is also available at <http://www.flcourts18.org/ada.html>

Determination of Language Standards - Initial contact - qualified victim/witness and or companions.

- An Agency employee will decide if the qualified victim/witness qualifies as LEP by determining the preferred method of communication and/or language from the victim/witness. A designated computer is available for written dialogue and language identification flashcards will be used if necessary.
- Upon confirmation of the primary language, an Agency employee will refer to the posted, approved list of bilingual Agency employee interpreters.
- If the Agency's list of bilingual employees has no one that speaks the primary language, or no bilingual employee is available at the time of the request, auxiliary aid services (list attached) can be utilized by Agency staff to assist.
- In the alternative, an appointment for the victim/witness can be scheduled within 48 hours of the request in order to obtain an interpreter to provide translation.
- The victim/witnesses preferred method of communication and language will be documented in the corresponding criminal case file.

Determination of Language Standards – Initial contact – other .

- Walk-in individuals , who are not a victim/witnesses or companions of such, will be provided services by the Agency to the best extent possible; however, may be referred to local law enforcement or Court Administration, for individual ADA services, accessibility or accommodations.

Accommodation Standards for Non-Scheduled & Scheduled

- **Non-Scheduled (Walk-in) Interpreter Requests:** For any **emergency** situation that is not a scheduled appointment, staff shall make an interpreter available as soon as possible. If the situation is not an emergency, Agency staff shall offer to schedule an appointment (and provide an interpreter where necessary for effective communication) convenient to the customer or companion but no earlier than 48 hours from the time of request.
- **Scheduled Interpreter Requests:** For scheduled SAO events, and if the customer, victim, witness or companion meet SAO criteria, staff shall make a qualified interpreter available at the time of the scheduled appointment. If an interpreter fails to appear for the scheduled appointment, staff shall take whatever additional actions are necessary to make a qualified interpreter available to the customer, victim, witness, or companion who is deaf, hard-of-hearing or LEP, as soon as possible, but in no case later than two (2) hours after the scheduled appointment.
- **Scheduled Interpreter Court Proceedings:** For scheduled 18th Judicial Circuit Court proceedings, staff shall request qualified interpreters through the 18th Judicial Court Administration. Requests are dispatched to full-time staff interpreters, or to qualified freelance interpreters. AT&T language line services are also available when needed. Qualified language and sign interpreters for non-English speaking and hearing impaired individuals are ordered by the Court, as mandated by Florida Statutes 90.606 and 90.6063. Sign language interpreters for hearing impaired individuals are also provided under the provisions of the Americans with Disability Act for all Court hearings.

Auxiliary Aids Documentation

SAO shall document the customer or companion's preferred method of communication and any requested auxiliary aids and services provided in the customer's program file. Documents and forms evidencing when and how the SAO provided auxiliary aids and services to customers or companions shall be retained within the customer's, victim's corresponding criminal case file for seven years. Forms include but are not limited:

- Customer or Companion Assessment and Assessment and Auxiliary Aid and Service Record
- Customer or Companion Request for Free Communication Assistance or Waiver
- Customer or Companion Feedback form
- Auxiliary Aid Service Record Monthly Summary Report,

Denied Auxiliary Requests

Documentation, with supporting justification, must also be made if any request was not honored. The State Attorney is the only person that can deny auxiliary aid requests made by a participant, customer, victim, witness or companion. If a staff person is not familiar with an auxiliary aid request, contact the SPOC.

Referrals

If participants, customers, victims, witnesses, or companions are referred to other agencies, the SAO will ensure that the receiving agency is notified of the customer or companion's preferred method of communication and of any auxiliary aid or service needs. In order to accommodate this, the SAO will ensure that the referral is wanted by the participant.

Customer Feedback Form

The provider shall distribute Customer/Companion Feedback Forms to participants, customers, victims, witnesses or companions that are deaf or hard of hearing and provide assistance in completing the forms if requested. The original Customer/Companion Feedback Form shall be mailed to DCF, Office of Civil Rights, 1317 Winewood Boulevard, Building 1, Room 110, Tallahassee, FL 32399-0700 by the participant or if requested, by The Center. A copy of the Customer Feedback Form **shall not be kept in the file.**

Documentation/Record Retention

Records relating to auxiliary aids and services provided shall be retained by each local office and the original document retained in the client or customer's file or records. All final requests for accommodations, along with relevant documentation, will be forwarded to the designated 504/ADA Coordinator.

Translations of Documents

- The Agency's Domestic Violence letter (Spanish) & Domestic Violence 10-day letter (Spanish) are provided to victims when LEP is identified. Other victim/witness related forms, brochures and documents are also available in alternative formats and located in each of the Agency's lobbies.
- The Agency's website is also available in alternative formats.
- Notice of oral translation of forms, brochures and documents for LEP identified individuals is posted in the lobby of each Agency office.

Signage and Notices

The Single-Point-of-Contact will ensure that conspicuous Notices which provide information about the availability of appropriate auxiliary aids and services at no-cost to the deaf, hard-of-hearing or LEP customers or companions are posted in the lobbies at all Agency locations. The SPOC's name and contact information is printed on the Deaf and Hard of Hearing Poster as well as the name and contact information for the ADA 504 Coordinator. The approved Notices can be downloaded through the Internet at: <http://www.dcf.state.fl.us>

Required Reports

The Agency will submit Hard of Hearing Reports as required.

Event Accommodations at the State Attorney's Office

The SAO shall ensure accessibility to meetings, conferences and seminars to persons with disabilities, LEP and deaf or hard of hearing by placing the following statement on all event notices and advertisements prior to the event:

*The SAO will provide accommodations, at no cost, including American Sign Language interpreters, assistive listening devices, alternative formats of printed materials and real-time captioning upon request for persons who are deaf, hard of hearing, LEP, or are living with disabilities. To ensure accommodations, please make your request within 7 days prior to the event to **Debbi Davis, ddavis@sa18.org.***

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Staff Training

The Agency staff shall receive training on how to provide auxiliary aids and services for persons with disabilities and limited English proficiency (LEP) within 60 days of commencing employment. The SAO staff shall receive an annual refresher training on auxiliary aids and services for persons with disabilities and limited English proficiency (LEP). TTY phone and video relay call training is available to Agency staff. Completion of training documentation is maintained in each employee's training file.

Plan for Monitoring & Self Assessment

- The Agency's SPOC/ADA Coordinator/LEPC will monitor the daily application of this Plan, respond to additional training requests by employees/volunteers and verify yearly training is completed.
- The Plan's progress will be assessed based on the following factors:
 1. Demographics: Circuit-wide population data will determine the Major Language Group.
 2. Frequency of Contact:
 - a. The number and types of language translations provided by Agency staff in criminal cases.
 - b. The number and types of language translations provided by qualified interpreters.
 - c. The number of alternative format documents generated by Agency staff in criminal cases.
 3. Importance: The types and degrees of criminal cases that translation was provided in.
 4. Costs: The amount expended for translations services.

Auxiliary Aid Resources

Florida Relay – 7-1-1

Through the Florida Relay Service, people who use specialized telephone equipment can communicate with people who use standard telephone equipment. To call Florida Relay, dial **7-1-1**, or use the appropriate toll free numbers below:

1-800-955-8771 (TTY)

1-800-955-8770 (Voice)

1-877-955-8773 (Spanish)

1-877-955-8707 (French Creole)

Video Remote Interpreting

Through a video remote interpreter people can use an interpreter via technology to communicate with a participant in stead of an in person interpreter. This is a good resource for emergency situations with limited time to get an in person interpreter as well as if there are few local community resources for certified interpreters.

Video Relay Service(VRS), also sometimes known as a video interpreting service (VIS), is a video telecommunication service that allows deaf, hard-of-hearing and speech-impaired (D-HOH-SI) individuals to communicate over video telephones and similar technologies with hearing people in real-time, via a sign language interpreter.

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CART-Communications Access Realtime Translation Local Providers

CART is the simultaneous conversion of spoken words to text, through computer-assisted transcription or court reporting, and displaying that text on a video screen. This communication service is beneficial to individuals who are deaf or hard-of-hearing that do not use sign language or for whom assistive listening devices and systems are ineffective.

Local Interpreters available through the 18th Judicial Circuit Court Administration Court Programs.

Brevard County Interpreter Program, 321-633-2171 ext. 2, www.flcourts18.org

Seminole County Interpreter Program, 407-665-4330, www.flcourts18.org

ADA Coordinator at Seminole Court Administration
301 North Park Avenue
Suite N301
Sanford, FL 32771-1292
407-665-4227

ADA Coordinator at Brevard Court Administration
2825 Judge Fran Jamieson Way, Bldg. C, 3rd Floor
Viera, FL 32940-8006
321-633-2171 ext. 2

Assistant Staff Director for Civil Rights
1317 Winewood Boulevard
Building 1, Room 110
Tallahassee, FL 32399-0700
850-487-1901

Executive Director
Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301-4857
850-488-7082

US Department of Health & Human Services
Office for Civil Rights
Atlanta Federal Center, Suite 3B70
61 Forsyth Street, SW
Atlanta, GA 30303-8909
404-562-7881

US Department of Justice
Coordination & Review Section
Civil Rights Division
P.O. Box 66118
Washington, DC 20035-6118
202-514-0301, www.hhs.gov/ocr/civilrights

RESOURCES AND FORMS

The following information is available on-line at the following site.

- Resources and procedures for requesting accommodations: <http://www.flcourts18.org/ada.html>
- DCF forms: <http://www.dcf.state.fl.us/admin/servicedelivery/index.shtml>.

The following information is available at the State Attorney’s Office.

- A list of bilingual Agency staff interpreters and languages spoken.
- County Accommodation Request Forms.
- Grievance forms and information about the discrimination complaint resolution process are 18TH Judicial Circuit Court-ADA Accommodation Request Form, page 1-5, Brevard/Seminole
- Brevard Interpreter Program through Court Administration
- Seminole Interpreter Program through Court Administration
- DCF Circuit 18 Multilingual Staff List
- DCF Central Region ADA Coordinator List
- DCF Customer/Companion Communication Assessment and Auxiliary Aid and Service Record
- DCF Auxiliary Aid Service record Monthly Summary Report
- DCF Customer or Companion Request for Free Communication Assistance.
- Procedures for State Attorney Case Tracking updating LEP Information.
- Designation of SPOC, LEPC, 504 Coordinator
- State Attorney 504 Grievance Policy (Federal Funding Assistance Requirement)
- Lobby placement of DCF (revised) Non-Discrimination Policy, Interpreter Services for the Deaf or Hard of Hearing and Limited English Proficient Client posters.

This plan is updated July 1 of each year, and revised when necessary.
Date reviewed, March 1, 2017.

Reviewed by:

SPOC, LEPC, 504 Coordinator

Date

Executive Director

Date