

STATE'S ATTORNEYS APPELLATE PROSECUTOR

GENERAL LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENCY PERSONS



General Language Access Plan for Limited English Proficiency Persons

General

As a recipient of Federal financial assistance, the State's Attorneys Appellate Prosecutor is required to take reasonable steps to ensure meaningful access to its programs and activities by limited English proficiency (LEP) persons. The purpose of this plan is to make reasonable efforts to eliminate or reduce limited English proficiency as a barrier to accessing Agency programs or activities. This plan is intended only to improve the internal management of the Agency and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Agency.

Four-Factor Analysis

In order to assess meaningful access to its programs and activities by LEP persons, a four-factor analysis is set out in guidance issued with Executive Order 13166. The four-factor analysis considers (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program; (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 to people's lives; and (4) The Resources available to the grantee/recipient and costs.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program.

The Agency's statutory responsibilities primarily consist of the trial and appeal of cases, drug forfeitures, labor services, tax objection services, and training for legal and criminal justice personnel. The vast majority of the population for which the Agency serves is proficient in English. As such, LEP services are not normally required.

Factor 2: The frequency with which LEP individuals come in contact with the program.

Generally, all contact with the Agency is made through its five offices in Springfield, Elgin, Ottawa, and Mt. Vernon, Illinois. This is accomplished primarily through in-person visits, mail, email, and the Agency's public website.

Delivery of services at the appellate level has little or no LEP individual interaction. At the trial level, LEP individuals are served by the utilization of the Criminal Proceeding Interpreter Act (725 ILCS 140/1).

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

The primary objective of the Agency is to deliver quality professional services to all participating counties in full compliance with its legislative mandate. The Agency is unique in that it represents the People of the State of Illinois on appeal cases by direction of a participating county's State's Attorney. It serves in the capacity by preparing, filing, and arguing appellate briefs in the Illinois Appellate Court with advice and consent of the State's Attorney.

Further, the Agency assists State's Attorneys in the discharge of their duties under the Illinois Controlled Substances Act, the Narcotics Profit Forfeiture Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act, and the Illinois Public Labor Relations Act. The Agency also provides trial assistance to State's Attorneys and serves as Special Prosecutor when duly appointed, assists in the trial and appeal of tax objection cases and provides services in tax objection cases. Additionally, the Agency conducts training programs for State's Attorneys and law enforcement personnel and also provides for a legal internship program.

Factor 4: The resources available to the grantee/recipient and costs.

Albeit the services provided are of great importance, the Agency is small in nature. The Agency, as a whole, typically employs less than 85 people during any given fiscal year. Due to the Agency's small budget, an increasingly tough State economic situation, and wherein the LEP population is extremely small and contact is infrequent, the Agency's policy of utilizing interpreters on an as-needed basis is an efficient and effective use of resources.

Scope and Compliance

Due to the minute number of LEP persons encountered over time, the overall size of the Agency, and the Agency's strict budget, the in-office language capability is primarily English.

Agency personnel are instructed to notify the Administrative Office if an LEP person is encountered, have reason to believe that they may encounter an LEP individual in the course of fulfilling the Agency's mission, or are requested by an LEP person who wishes to access the Agency's programs and activities.

The Agency will provide meaningful access to LEP individuals whereby language assistance will result in accurate, timely, and effective communication which is not restricted, delayed, or inferior as compared to the programs and activities provided to English proficient persons.

In the event interpretation services are needed in order to translate other languages (for participants within training programs for instance), the Agency will obtain quality interpreter and translator services for those languages. Interpretation services may include but are not limited to oral interpretation conducted in-person or via telephone or other means or written translation by qualified translators.

The Criminal Proceeding Interpreter Act (725 ILCS 140/1) is particularly useful at the trial court level. To summarize, this Act allows the court to appoint an interpreter for the accused if it is found that the accused is incapable of understanding the English language and expressing himself. It further provides the right to a qualified court-appointed sign language interpreter to be afforded to persons with disabilities who are victims of, or are called as witnesses in court proceedings.