

DEPARTMENT OF INDIGENT DEFENSE SERVICES LANGUAGE ACCESS PLAN

Section I

Nevada’s Senate Bill 318 (2021) and the federal guidance on Title VI both agree that language should not be a barrier to accessing governmental programs and services. As SB318 puts it, “Persons with limited English proficiency require and deserve meaningful, timely access to government services in their preferred language.” Moreover, it makes it clear that it is the responsibility of government to provide that access:

State and local agencies and entities that receive public money have an obligation to provide meaningful, timely access for persons with limited English proficiency to the programs and services of those agencies and entities.

Nevada Department of Indigent Defense Services is committed to compliance with Nevada Senate Bill 318 and Title VI of the Civil Rights Act of 1964, 2 C.S. § 561 et seq. (Act 172 of 2006) in ensuring meaningful access to State services and programs for individuals with limited English proficiency.

The purpose of this document is to establish an effective plan and protocol for Nevada Department of Indigent Defense Services personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency. Following this plan and protocol is essential to the success of our mission to assist Nevada counties in developing quality, equitable, and sustainable indigent defense systems that strengthen local communities and meet or exceed the state and federal constitutional guarantees that protect each of us.

Section II

Nevada Department of Indigent Defense Services recognizes that the population eligible to receive its services includes LEP individuals. It is the policy of Nevada Department of Indigent Defense Services to ensure meaningful access to LEP individuals. Nevada Department of Indigent Defense Services adopts the following policies and procedures to ensure that LEP individuals can gain equal access to the Nevada Department of Indigent Defense Services and communicate effectively. This Plan applies to all Nevada Department of Indigent Defense Services’ programs and services including, but not limited to:

Providing an avenue for members of the public to make complaints or recommendations regarding the implementation or provision of indigent defense services; and,
Providing its attorney constituents with client satisfaction survey forms.

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It is Nevada's policy to grant access to services or programs to every person regardless of their ability to speak, understand, read, or write English. Nevada Department of Indigent Defense Services intends to take all reasonable steps to provide LEP individuals with meaningful access to its services and programs. Nevada Department of Indigent Defense Services seeks to reduce barriers by increasing its capacity to deliver services and benefits to people in their preferred languages.

Toward this end, Nevada Department of Indigent Defense Services endorses the following policies:

- Nevada Department of Indigent Defense Services is committed to equity and will take all reasonable steps to provide limited English proficient (LEP) individuals with meaningful access to all its services, programs, and activities.
- The agency, rather than the LEP individual, bears the responsibility for providing appropriate language services, regardless of the LEP individual's preferred language, at no cost to the LEP individual.
- Staff at the initial points of contact have the specific duty to identify and record language needs.
- Use of informal interpreters such as family, friends of the person seeking service, or other customers is not allowed. Minor children are prohibited from acting as interpreters.
- No staff may suggest or require that an LEP individual provide an interpreter in order to receive agency services.

Nevada Department of Indigent Defense Services Language Access Coordinator:

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The Coordinator will work with staff and outside agencies to ensure that language access is made available according to this plan.

Section III

Nevada Department of Indigent Defense Services is committed to tracking the languages preferred for communication among our limited English proficient (LEP)

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clients so that we can better provide meaningful, timely access to our services and programs without regard to any language impediments. The Department is in the process of collecting data in this regard.

Section IV

Nevada Department of Indigent Defense Services does not obtain or retain any “vital” information. As such, the Department does not provide direct language assistance services. The Department’s primary constituencies are licensed attorneys and County and State personnel, who are required to be English language proficient. The Department does not engage in advertising, public service announcement broadcasting, or other outreach to individual members of the general public.

The Department offers client satisfaction surveys to attorneys to provide to their clients at the close of their cases. The client satisfaction surveys are available in English and Spanish language versions. Upon request of an attorney, the Department will make efforts to have the survey form translated into another language by utilizing another State resource or translation service, as may be appropriate to translate the document appropriately.

The Department’s website is capable of translation through the google translation tool, easily located on every page of the website.

Section V

Nevada Department of Indigent Defense Services is committed to providing our LEP clients full access to our services and programs. Towards this end, Nevada Department of Indigent Defense Services requires its staff to follow the procedures described below to ensure meaningful access to available language services. Moreover, Nevada Department of Indigent Defense Services is committed to 100% compliance with these procedures and provides the staff with the training described below to help ensure that all staff are familiar with these procedures and recognize their importance to Nevada Department of Indigent Defense Services’ mission.

Language Access Procedures

Identifying Client Language Needs and Preferred Language: The following procedures should be followed to (1) interact appropriately with LEP clients, (2) inform clients of the availability of language services, (3) determine clients’ preferred languages, and (4) record and track LEP client language preferences so that the data will follow them throughout their interactions with Nevada Department of Indigent Defense Services staff.

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Staff will familiarize themselves with this Plan. The Department's primary constituencies are licensed attorneys and County and State personnel, who are required to be English language proficient; however, staff will inform requesting attorneys upon request whether a new client satisfaction survey form will need to be created or if a current client satisfaction survey form exists in the requested language. Staff will be able to find and provide client satisfaction surveys as requested by attorneys.

Complaint and Recommendation surveys available on the website are capable of translation through google translate. Should additional language assistance be required, staff will work to coordinate with ONA to identify appropriate language services to assist in the translation of any website or written materials regularly provided to the public.

Accessing Appropriate Oral/Sign Language Services: Staff should seek appropriate oral/sign language services in this order:

Staff will work to coordinate with ONA to identify appropriate language services to assist in the translation of any website or written materials regularly provided to the public.

Accessing Appropriate Written Language Services: According to Nevada Department of Indigent Defense Services' stated policy on the determination of "vital" documents, the following procedures should be followed to access qualified written language services. This applies both to written information intended for broad distribution as well as written communications between Nevada Department of Indigent Defense Services and individual clients.

Language Services Quality Assurance: Nevada Department of Indigent Defense Services is committed to ensuring that all language service providers it uses are qualified and competent to provide those services. The following procedures are in place to (1) establish provider qualifications and (2) track provider performance.

In the event that the Department retains a provider, it will keep a record of the translation service or individual translator as well as copies of the translated document. If it becomes apparent that the prior translation was insufficient, the Department will keep an appropriate record of the insufficiency and either seek to remedy the issue (if possible) or find an alternate provider.

Staff Training Policies and Procedures

Nevada Department of Indigent Defense Services believes that the appropriate provision of language services is vital to the fulfillment of its mission. Towards that end, Nevada Department of Indigent Defense Services ensures that its staff are familiar with its language access policies and the above procedures for providing

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said services.

Section VI

Nevada Department of Indigent Defense Services is committed to monitoring the performance of the above policies, procedures, and resources to ensure that its LAP is responsive to the needs of both Nevada Department of Indigent Defense Services and the people it serves. At a minimum, Nevada Department of Indigent Defense Services will review, evaluate, and update its LAP (if needed) biennially.

Processes for Monitoring and Evaluation

Parties Responsible for LAP Maintenance: Marcie Ryba, Executive Director and Peter Handy, Deputy Director.

Criteria and Methods for LAP Evaluation: Nevada Department of Indigent Defense Services will track its LAP's performance using the criteria indicated below. The methods for gathering/tracking the relevant data for these criteria are likewise described.

To track performance, the Department will evaluate the number of requests for translation and the number of translations performed. The Department's goal is a rate of 100% translations performed of those requested.