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January 03, 2018

MEMORANDUM

To: Deputy Attorneys General, Assistant Attorneys General,
Supervisors and Employees

From: Attorney General

Subject: **Updated Language Access Plan**
RE: Policy 2018-001

Hafa Adai. Attached is the Office of the Attorney General's (OAG) Language Access Plan that has been updated to reflect changes in data and procedures for review and compliance. The intent of the Plan is to provide timely, meaningful, and equal access to all individuals who require services from the OAG.

Please ensure that notices to individuals with Limited English Proficiency are posted in the reception areas of each Division.


ELIZABETH BARRETT-ANDERSON

Attachment

OFFICE OF THE ATTORNEY GENERAL OF GUAM



LANGUAGE ACCESS PLAN

Policy 2018-001
Updated: January 03, 2018

**590 S. Marine Corps Drive, Suite 901
Tamuning, Guam 96913-3537**



Table of Contents

I.	Introduction.....	Page 3
II.	Policy Statement.....	Page 3
III.	Background.....	Page 4
IV.	Four-Factor Analysis.....	Page 6
V.	Procedures.....	Page 7
VI.	Definitions.....	Page 9
VII.	Contacts.....	Page 11



I. INTRODUCTION

This Language Access Plan (LAP) is promulgated and implemented to provide timely, meaningful access to all individuals who require services from the Office of the Attorney General (OAG) of Guam, regardless of race, color, national origin, or limited capability to speak, read, or understand the English language. The OAG understands the critical nature and connection between access to justice and language assistance services in courts and administrative proceedings.

The OAG employees will inform members of the public that language assistance services are available free of charge to persons who are Limited English Proficient / Deaf or Hard of Hearing (LEP/DHH). All personnel shall coordinate language assistance services for persons who are LEP/DHH through the identified Language Assistance (LA) Coordinator, Administration Division, or designated alternate(s). These individuals are authorized to activate interpreters and/or translators for this purpose.

II. POLICY STATEMENT

This LAP is issued in compliance with Title VI of the Civil Rights Act of 1964, Office of the Governor of Guam Executive Order no. 2015-015, and U.S. Presidential Executive Orders 12250 (1980) and 13166 (2000).

Its purpose is to guide the OAG personnel in providing timely, meaningful and equal access to programs, services, and/or information to LEP/DHH Persons to ensure maximum communication between the OAG and all members of the community. Further, this LAP is intended to ensure compliance with Title VI of the Civil Rights Act of 1964 by providing equal access to programs, services and information from the OAG. Finally, this LAP is intended to help mitigate risks that may arise from ineffective or inaccurate communications between the OAG and individuals whom the office serves.

To the greatest extent practical, the OAG will strive to meet the needs of persons who are LEP/DHH by ensuring the highest quality of language assistance and services. For instance, interpreters for certain foreign languages may not be readily available in Guam due to our limited population base and geographic isolation. OAG employees will inform the public that language assistance services are available free of charge to persons who are LEP/DHH by posting a sign in public areas similar in form to the copy attached as "Exhibit A." The LA Coordinator of the OAG is tasked with monitoring the sufficiency of all signs to ensure maximum communication with the public.

To the greatest extent practical and reasonable, the OAG will strive to meet the needs of persons who are Limited English Proficient/Deaf or Hard of Hearing (LEP/DHH) Persons by ensuring the highest quality of language assistance services are made available within our office's limited resources.



III. BACKGROUND

The OAG recognizes the importance of accurate communications between its personnel and the communities they serve. Language barriers can impede effective and accurate communication in a variety of ways. It can put cases and lives at risk by impeding communications with persons who are LEP/DHH, such as victims, witnesses, alleged perpetrators and community members, and can present safety, evidentiary, and ethical challenges to the OAG. Language barriers can inhibit or prohibit persons who are LEP/DHH from accessing and/or understanding important rights, complying with the law, and receiving meaningful access to programs, services and information provided by the OAG.

Guam's population is 159,358 based on the 2010 U.S. Census of Population and Housing. Guam is the gateway to the United States from Asia and neighboring Pacific islands, and as such, is a "melting pot" of cultures. Guam has two officially recognized languages for conducting business: English and native Chamorro. Although English is the primary language on Guam, other languages spoken on Guam include Chamorro, Filipino, Korean, Japanese, Chinese, Chuukese, Kosraean, Pohnpeian, Yapese, Palauan, Vietnamese, and Sign. The most significant population increase reported by the U.S. Census Bureau is Carolinian, from 123 in 2000 to 242 in 2010, an increase of 96.7%; Yapese, from 686 in 2000 to 1,263 in 2010, an 84.1% increase; and Chuukese, from 6,229 in 2000 to 11,230 in 2010, an 80.3% increase.

In addition, Guam receives over 1 million visitors each year. The Guam Visitors Bureau reported in Fiscal Year 2016, Guam welcomed 1,511,065 tourists.

Guam has a limited population base and is geographically isolated, located about eight (8) hours by air from the island state of Hawaii, and an additional five (5) hours by air from Hawaii to the continental United States (west coast). Guam is located approximately 6,600 miles from San Diego, California. Therefore, interpreters and translators may be difficult to obtain due in part to our geographic isolation as well as our time difference. Guam is on Chamorro Standard Time (ChST), which is typically a day ahead and the opposite time of day from the continental United States.

The OAG services residents, as well as visitors. In calendar year (CY) 2016, the OAG contracted five (5) interpreters to provide language assistance to victims, victim witnesses, and clients in the following languages:

1. American Sign Language
2. Chuukese
3. Japanese
4. Korean
5. Mandarin



Whether a person is a resident of Guam or a temporary visitor, contact with the Government is inevitable. From the airport to the seaport, and at points in between, all Guam visitors and residents receive services from the Government. Some provide their own interpreters as an alternative to paid interpreters or bilingual Government employees. Persons who are LEP/DHH occasionally rely on their children to interpret for them, and on occasion, may call upon neighbors or strangers to act as interpreters or translators. However, an untrained "interpreter" may be unable to understand the concepts or terminology he or she is being asked to interpret or translate. Thus, we must minimize these instances and, if necessary, rely on trained interpreters that may be retained by the Government of Guam, as well as provide training to all employees on the proper use of interpreters and bilingual staff. Trained interpreters are professionals who are procured and compensated, as is the case with interpreters registered and used by the Judiciary of Guam and the OAG.

Federal law prohibits discrimination on the basis of race, color, or national origin and requires federally assisted agencies take reasonable steps to provide meaningful access to programs, services and information to persons who are LEP/DHH.

The OAG's LAP is meant to accommodate persons who are LEP/DHH consistent with Title VI of the Civil Rights Act of 1964 (Title VI Act). The Title VI Act provides:

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

After a U.S. Supreme Court ruling, Congress redefined the Title VI Act in 1997 determining that the organization receiving federal funds is responsible if a discrimination complaint is filed, and not just the specific program under which the complaint was filed.

The Title VI Act prohibits:

- a. Providing different services to individuals as it relates to race, color, and national origin.
- b. Denying the opportunity to participate as a member of a planning or advisory body, ensuring adequate representation.
- c. Selecting the location of a facility with the purpose or effect of excluding individuals based on race, color, or national origin.

The Title VI Act has been broadened by related statutes, executive orders, and regulations to prohibit discrimination such as denial of meaningful access to LEP Persons. Although DHH Persons are covered under the Americans with Disabilities Act (ADA) rather than the Title VI Act, they have been included in this LAP.



IV. FOUR-FACTOR ANALYSIS

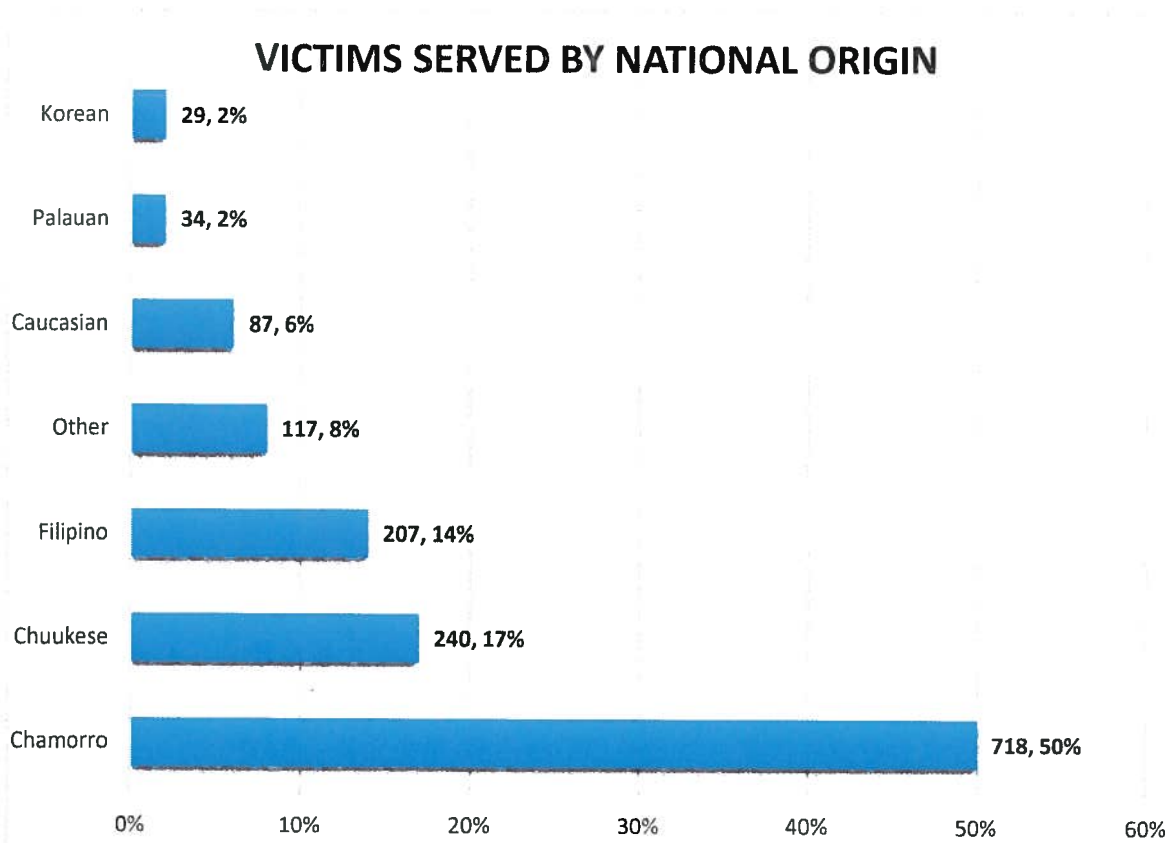
The U.S. Department of Justice, Office of Civil Rights (OCR) recommends a four-factor analysis to determine reasonable steps in implementing a LEP/DHH Plan. These factors are as follows:

1. The number or proportion of LEP/DHH Persons served or encountered in the eligible service population.
2. The frequency with which LEP/DHH Persons come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the program. (Rank activities or services based on level of importance; reasonableness.)
4. The resources available to the recipient.

The data being captured for persons who are LEP/DHH is mainly derived from victims served by the OAG's Victim Service Center. Statistics from CY 2016 reflect an estimated 1,432 victims were served in Guam by the Victim Service Center. The following were the top (3) ethnicities served:

- a. Chamorro, 50%
- b. Chuukese, 17%
- c. Filipino, 14%

The chart below reflects the number of victims served by national origin in CY 2016.





An analysis of the data reflects a majority of victims (852 total) are within the 25-59 years of age category, followed by 18-24 years of age (221 total), 13-17 years of age (141 total), 60+ years of age (94 total), Unknown (67 total), and 0-12 years of age (57 total).



V. PROCEDURES

The following procedures are established to guide personnel in providing services to LEP/DHH Persons.

A. Identification of persons who are LEP/DHH and in need of language assistance.

To the greatest extent possible, employees should attempt to ascertain what language a LEP/DHH person is speaking in order to provide adequate services. If there is uncertainty about the language spoken or translation needed, please contact the supervisor or division deputy. The supervisor or division deputy can coordinate with the LA Coordinator to obtain language assistance services as quickly as possible.

The following **protocols** are established in order of priority:

1. Employees providing a service should contact the LA Coordinator to obtain LEP language assistance needs for the consumer.



2. In the event an interpreter is not available, bilingual employees will be sought to provide assistance by the LA Coordinator. At this time, the OAG has bilingual staff who speak the following languages:

- i. Chamorro
- ii. Tagalog/Filipino
- iii. Chuukese
- iv. Palauan
- v. Mandarin
- vi. Taiwanese
- vii. Hindi

The Personnel Specialist IV, Human Resources Section, shall maintain a bilingual employee listing and ensure periodic semi-annual updates. Any changes to this listing shall be made as an addendum to this Plan and disseminated internally for employee information.

3. In the event language assistance is not available, after steps 1 and 2 have been attempted, the LA Coordinator shall seek assistance from the Judiciary of Guam. The Judiciary of Guam maintains a list of interpreters/translators for judicial matters. In this instance, the individual may have been referred by the court to our office, may be a victim, or may have a pending case with the court.
4. After protocols 1-3 have been exhausted and language assistance is still necessary, the LA Coordinator may seek assistance with other organizations available in our community such as the Guam Coalition Against Sexual Assault & Family Violence (GCASAFV), Foreign Consulates, ethnic organizations, or the Guam Visitors Bureau. A listing is available with the LA Coordinator.

During an emergency, such as threatening phone calls or during emergencies, employees who are unable to determine the language spoken by LEP/DHH Persons should refer customers and/or phone calls to their immediate supervisor and/or division deputy. If it is a phone call, the employee should remain on the line until the supervisor or division deputy answers the call. In the event the employee's supervisor cannot determine the language of LEP/DHH Persons, he or she shall immediately request language assistance services from the LA Coordinator. If an interpreter is not available with the office, all reasonable attempts will be made to contact an interpreter via telephone in order to effectively respond to the emergency.

- B. Notice.** Signs posted within the OAG's main entrance must inform persons who are LEP/DHH that language assistance services are available in various languages. Posted signs provide detailed information such as point of contacts within the OAG, office number and alternate telephone number, website information, and how to acquire services.



- C. **Tracking and Reporting.** In order to assess the effectiveness of the OAG's language assistance services, each Division will collect data regarding its provision of language assistance services and provide this data to OAG Administration Division at the end of each month. The OAG will identify the data collected, including but not limited to, the number of assistance requests, the primary languages of communication for the LEP/DHH person(s), the cost of any language assistance services, and the type of assistance provided.
- D. **Staff Training.** The LA Coordinator, in conjunction with the Human Resources Section, Administration Division, will develop a training program for existing staff to review the LAP, identify LEP/DHH Persons, differentiate various languages being spoken, be aware of cultural differences, and deliver the proper service to persons who are LEP/DHH. As new employees are hired, information on the LAP shall be provided in their orientation packets and training.
- E. **Compliance Monitoring and Updating of Plan.** This Plan is monitored for compliance and updated every year from the date of issuance. The Chief of Staff is responsible for implementing this plan and ensuring annual updates occur. The LA Coordinator and Personnel Specialist IV are responsible for drafting annual updates to the Plan, analyzing data and trends, ensuring brochures and signs are translated, mitigating problems, training personnel on procedures, and making adjustments to procedures as needed in consultation with the Chief of Staff. Any OAG Language Access Plan modifications, revisions or updates will be posted on our website at <http://www.guamag.org/>.

VI. DEFINITIONS

- a. **Limited English Proficient (LEP) Person** – Persons with limited English proficiency. English is not their primary language, and they have a limited ability to read, write, speak, or understand English. Many LEP Persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently. LEP status may be context-specific. An individual may have sufficient English language skills to communicate basic information (such as name, address, etc.), but may not have sufficient skills to communicate detailed information in English (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.).
- b. **Deaf or Hard of Hearing (DHH) Persons.** Persons who are disabled because of a hearing, communication, or speech disorder, or has difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate and thus is unable to obtain due process of law.



- c. Language Access – Language access is defined as providing interpretation or translation services to individuals.
- d. Primary Source Language – A language of the speaker which is interpreted into a second language. An individual’s native tongue or the language in which an individual most effectively communicates.
- e. Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- d. Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- e. Bilingual – Refers to the ability to use multiple languages proficiently.
- f. Bilingual Employee/Staff Interpreter and/or Translator - Government of Guam staff employees with demonstrated proficiency in source and target languages.
- g. Language Assistance (LA) Coordinator – Person designated by the Attorney General to coordinate the language assistance program. The LA Coordinator will oversee implementation and annual updates of the LAP.



VII. CONTACTS

The OAG Human Resources Section contacts are:

Primary

Tony C. Aguon
 Personnel Specialist IV
 Tel: (671) 475-3324 ext. 5105
tcaguon@guamag.org

Alternate

Anicia Agulto
 Personnel Specialist II
 Tel: (671) 475-3324 x 5115
aagulto@guamag.org

Alternate

Taryn Guzman
 Personnel Specialist II
 Tel: (671) 475-3324 ext. 5110
tguzman@guamag.org

The OAG primary and alternate Language Assistance (LA) Coordinators are:

Primary

Pauline I. Untalan
 Special Assistant to the Attorney General
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Alternate

Erica Leon Guerrero
 Program Coordinator II
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If any questions arise or require clarification, please contact the LA Coordinator of the OAG. This LAP is issued for compliance.

ELIZABETH BARRETT-ANDERSON
 Attorney General of Guam

Date: 1/4/18



EXHIBIT A - SIGNAGE

Office of the Attorney General of Guam Notice to Individuals with Limited English Proficiency

ENGLISH

Welcome to the Office of the Attorney General.

Please inform us if you require language assistance services.
We will make every attempt to locate an interpreter to assist you.
For further assistance, please call this number: 475-3324, extension 5105. Thank you.

CHAMORRO

Saludu para I fanatto-mu guini gi Ufisinin Hinirat Abugao.

Put fabot, na'tungo'ham yanggen un nisisita ayuda gi trinanslanan lengguahi.
Bai in espiha empenu na u guaha entetpeti para u inasiste hao.
Para mas na ayudu, agang ham put fabot gi: 475-3324, 5105. Si Yu'os ma'ase.

CHUUKESE

Ran anim. Kase mochen kpwe afata kich ika pwe en
mei osupwangen weweiti fosun Merika.

Kich sipwe achocho kutta emon chon Chiakuu epwe enisuuk.
Ka tongeni kokori ei nampa: 475-3324, 5105. Kinosou chapur.

TAGALOG

Maligayang dating sa sangay ng pamahalaan ng Guam.

Ipagbigay alam lamang kung kayo ay nangangailangan ng tulong ng tagapagsalin.
Sisikapin naming maghanap ng tagapagsalin para tumulong sa inyo.
Maari lamang tawagan ang 475-3324, 5105 kung kina kailangan. Salamat po.