

Adopted January 1, 2022

**CITY OF WICHITA**  
**LAW DEPARTMENT**  
**LIMITED ENGLISH PROFICIENCY POLICY**

The City of Wichita Law Department is committed to providing equal opportunity in all programs and services to ensure full compliance with Title VI of the Civil Rights Act of 1964.

It is the purpose of this policy to provide guidance to department employees of their legal obligations (in accordance with Title VI of the Civil Rights Act of 1964) when they have contact with an individual(s) who has Limited English Proficiency (LEP). Language barriers can sometimes inhibit or even prohibit individuals with LEP from gaining meaningful access and participation in services provided by the department.

All department personnel will take reasonable steps to provide language assistance services to LEP individuals whom they may encounter in the course of their duties and responsibilities at no cost to the LEP individual.

**POLICY**

It is the policy of the Law Department to take reasonable steps to ensure timely and meaningful access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 U.S.C. § 2000d). It is the responsibility of office staff to provide free access to language assistance services for all contacts with limited proficient victims and witnesses. Staff must identify LEP individuals and inform them that language assistance services are available. If such services are requested, staff must take all reasonable steps to provide language assistance to LEP individuals.

**DEFINITIONS**

Authorized Employee Interpreter or Translator – An employee of the City of Wichita who is bilingual and has successfully completed interpreter and/or translator testing conducted by the City’s Human Resources Department and is authorized to act as such an interpreter and/or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate in both English and another language. For purposes of this policy, in order to be identified as bilingual, employees must initially and periodically demonstrate, through a testing procedure recognized by the City of Wichita, their level of skill and competence; such that, the City of Wichita is able to determine the purposes for which an employee's language skills may be used.

Direct “In-Language” Communication – Monolingual communication in a language other than English between a multilingual staff or vendor and an LEP person.

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.

Language Assistance Services – Services that encompass all oral and written language services needed to assist LEP individuals in communicating effectively with staff, and to provide LEP individuals with meaningful access and an equal opportunity to participate fully in the services, programs, or activities administered by the Law Department; however, employees are not required to use language assistance in social communications with LEP individuals. Social communications include greetings and other limited communication that do not involve responding to complaints, exercising prosecutorial authority, or engaging in any other substantive communication.

LEP Coordinator – The City’s EEO officer or his/her designee is responsible for coordinating and implementing all aspects of the City of Wichita’s LEP services. The LEP Coordinator reports directly to the Human Resources Director.

Limited English Proficiency (LEP) - designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (*e.g.*, speaking or understanding) but still be LEP for other specific purposes (*e.g.*, reading or writing). Similarly, LEP designations are context specific. An individual may possess sufficient English language skills to function in one setting, but those skills may be insufficient in other situations.

Meaningful Access - Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not unduly restricted, unnecessarily delayed, and is equal to programs or activities provided to English proficient individuals.

Primary Language - The language in which an individual is most effectively able to communicate.

Qualified Interpreter or Translator - Any person confirmed by the City of Wichita as having the knowledge, skills and ability to perform interpretation or translation services.

Sight Translation – Oral rendering of written text or a document into spoken language by an interpreter without change in the meaning based on a visual review of the original text or document.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

Vital Documents – Paper or electronic written material that contains information that is critical for accessing office programs or activities or is required by law.

Volunteer Translator – An individual that volunteers to translate or interpret but has not yet been vetted by the City of Wichita for their level of proficiency in a target language. This may include family, friends or acquaintances.

## **NOTIFICATION OF LANGUAGE SERVICES**

The Law Department provides notice that no cost language assistance services are available. Notices of the services will be posted and/or displayed in public areas of the Law Department. (See Exhibit A) Translated handouts and victim notifications will also be provided.

Most likely non-English language to be encountered in Wichita:

According to the 2019 American Community Survey (ACS) five-year estimate, 85.3% of Wichita residents speak English in their homes – 9.7% of citizens speak primarily Spanish. According to Census Scope, 47.44% of Spanish speaking citizens (13,543) in Wichita, Kansas speak English less than “very well.”

## **IDENTIFICATION OF LEP INDIVIDUALS AND THEIR LANGUAGE**

Office staff will utilize reasonably available tools, such as language identification cards (“I speak cards”) when attempting to determine an LEP individual’s primary language.

Personnel may determine whether an individual is LEP through:

- Permitting self-identification by the LEP person (if the individual can communicate the language that he or she speaks);
- Asking open-ended questions requiring a narrative response. Where an individual is unable to provide a fluent narrative response in English, he or she shall be deemed LEP;
- Using language identification (“I speak cards”);
- Verifying the language spoken with the assistance of an authorized employee interpreter or with the assistance of a qualified telephone interpreter; or
- Noticing behavior that suggest a person is LEP. For example, an individual speaks in incomplete or fragmented sentences, uses words that suggest a request for language assistance or switches from English into another language may be LEP.

## **ORAL INTERPRETATION**

Staff will make reasonable efforts to provide assistance to LEP individuals and document any services provided. The agency will document the name of the person who provided the service and any credentials qualifying that person to act as an interpreter.

## **TELEPHONE INTERPRETER SERVICES**

The office will maintain a list of qualified interpreter services. The list will be made available to all staff on the Law Department’s shared drive. These services shall be available to assist agency personnel in communities with LEP individuals.

Telephone interpreters are provided through Propio Language Services as part of the contract with Municipal Court, which provides three-way call services that can be used:

- When an LEP individual calls the Law Department;
- When staff call an LEP individual with notifications of criminal proceedings and/or information regarding the status of their case; and
- When an LEP individual visits the office without prior notice and a qualified in-person interpreter cannot be arranged in a timely fashion.

### **IN-PERSON INTERPRETERS**

City Administrative Regulation 3.8 provides that employees who have passed language proficiency assessments are available to perform translation services, as needed, for other departments.

The City has 82 employees who are certified as interpreters. These include the following languages:

65 Spanish  
7 Vietnamese  
2 Laotian  
1 Thai  
1 German  
1 Chinese  
1 Nepali  
3 Russian  
1 Arabic

A list of these employees and the process to obtain their assistance will be available to all City staff on the City's Internal Portal. These individuals must understand and adhere to the confidentiality, impartiality and ethical rules to the same extent as Law Department staff.

These individuals may provide assistance to office staff in limited situations. Examples of these situations would be:

- When an LEP individual calls the office and staff need assistance to identify the primary language of the caller;
- When an LEP individual is requesting the status of their case; and
- When an LEP individual is in need of other community resources that are available to them.

## **TRANSLATION SERVICES**

A list of qualified translation services will be made available to staff in order to assist in the understanding of written text and with the translation of vital documents or case-related materials.

These services shall be made available with existing contracts with Municipal Court or the Wichita Police Department and the appropriate vendors.

## **PRINTED FORM AND DOCUMENTS**

Vital documents will be translated based on importance and frequency used. At a minimum, the following documents will be translated into Spanish:

Victim Proof of Loss Form  
Victim Notification Letters  
Victim Rights Amendment  
Law Department Anti-Discrimination Policy – Notice  
Law Department Anti-Discrimination Policy  
Law Department LEP Policy - Notice  
Law Department LEP Policy  
Victim Impact Statement  
Victim notifications to return to Court  
Brochures containing information for victims and witnesses regarding court logistics and rights

These documents will be made available to department personnel and other individuals as necessary. Case specific documents, such as legal proceedings, letters, reports or other documents will be translated on a case-by-case basis, as needed.

## **LEP COORDINATOR**

It shall be the duty of the LEP Coordinator to:

- Review and maintain the policies and procedures of the Law Department;
- Review and coordinate the creation of non-English Vital Documents used by the Law Department, if needed;
- Assure that Law Department employees providing interpretation and translation services have established necessary proficiency to provide interpreter services; and
- Occasionally review the effectiveness of the Law Department's Language Assistance Services. The review may be done by analysis of current or historical data, surveys of staff and customers, solicitation of feedback from community groups and analysis of changing community demographics.

## **CONTACTS**

The circumstances of contact with the Law Department may vary widely, and may include victims, witnesses, defendants, and/or the general public. Law Department staff must use methods outlined in this policy to provide appropriate language assistance.

## **COMPLAINTS**

The Law Department shall ensure that LEP persons have reasonable access to language services for the purpose of filing a complaint regarding Law Department services or actions. Such complaints may be filed with the City's EEO Officer, Susan Leiker, 2<sup>nd</sup> Floor, City Hall, 455 N. Main, Wichita, Kansas 67202; [sleiker@wichita.gov](mailto:sleiker@wichita.gov). The EEO officer shall utilize a qualified or authorized employee interpreter or translator, if available, when conducting interviews of LEP complaints. The Law Department and EEO Officer shall make interpretation services accessible and provide certain translated forms and documents, which explain and instruct LEP individuals on the complaint process. The LEP Coordinator should periodically review and update all translated forms given to LEP individuals regarding the complaint process.

## **DOCUMENTATION OF SERVICE**

Whenever any Law Department staff use language assistance services for a victim, that staff person will make a note in the victim contact database that the individual is LEP, his or her primary language, and the type of language services utilized. This information is contained in the Law Department's shared files. This spreadsheet will also contain the date of service, the case number and the language of translation. Staff will ensure that the party receiving service is asked whether they believe the translation service was effective.

## **AGENCY TRAINING**

To ensure that all staff who may have contact with LEP individuals are properly trained, the Law Department will provide training on this policy and related procedures. This will include how to access the City's authorized telephonic and in-person interpreters, and other available resources. Training will be provided annually for all employees.

## **MONITORING AND UPDATING THE LEP PLAN**

The Law Department's language access plan will be reviewed annually, approximately 60 days prior to the annual training, and will be updated as needed. This plan is designed to be flexible and should be viewed as a work in progress. As such, it is important that the review assess:

- Whether there have been any significant changes in the demographics or language needs of the LEP population;
- If additional vital documents require translations; and

- Any issues or problems related to serving LEP persons which may have emerged during the past year and identify recommended actions to provide more responsive and effective language assistance.

The Law Department's language access plan will be available to the public and staff in Spanish on the City of Wichita's official website at: [www.wichita.gov](http://www.wichita.gov). LEP persons may obtain copies/translations of the plan upon request. Questions about the language access policy and plan should be directed to the City of Wichita LEP Coordinator at (316) 269-4723.

## **EXHIBIT A**

### **NOTICE OF LANGUAGE ASSISTANCE POLICY (LEP)**

It is the policy of the Law Department to take reasonable steps to provide timely and meaningful access to all individuals coming into contact with its office. The Law Department has developed methods to identify and provide assistance to individuals with Limited English Proficiency. If you are in need of assistance of an interpreter or translator, staff will provide free language assistance services to you, free of charge.