

2022

Interpreter Usage



Samuel Christensen
Clerk of Circuit Court
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Introduction

The Racine County Circuit Court is committed to providing language services and access to justice for people of Limited English proficiency (LEP). Under Wisconsin law, the direct provision of interpreter services in all court proceedings, including scheduling and payment, is the responsibility of the circuit courts under Wis. Stats. §885.38(3)(a) and §885.38(8)(a) and the Americans with Disabilities Act (ADA). Initial identification of LEP individuals may be done by the clerk of courts office staff. Interpreter services may also be requested by a party, an attorney, district attorney, public defender, community advocate, family member or friend. The ultimate responsibility for appointment of an in-court interpreter rests with the Circuit Court Judges. A copy of the Racine County Circuit Court’s Language Access plan is available at: <https://racinecounty.com/government/clerk-of-circuit-court/interpreter-services>.

Racine County Limited English Proficiency (LEP) Communities

Limited English Proficiency (LEP) is the inability to adequately understand or communicate effectively in English. The LEP population of Racine County is identified by reviewing data from the US Census Bureau which is updated every ten (10) years. Changes in the LEP population are monitored using mid-census estimates and projections from the American Community Survey (ACS). Other data such as from the Department of Education, the Migration Policy Institute, and other state and local agencies is occasionally used.

LEP Population Estimates for Racine County:

- a. Total county population: 196,896
- b. Total LEP county population: 6,723
- c. LEP county percentage: 3%
- d. Languages spoken by individuals who identify as LEP:

| Language | Total Speaking Language | Total Speaking English Less than Very Well | % Speaking English Less than Very Well | % of County’s LEP Community |
|---------------------------------|-------------------------|--|--|-----------------------------|
| Spanish | 14,973 | 5,986 | 40% | 89% |
| Other Indo-European | 1,999 | 494 | 24.7% | 7% |
| Asian and Pacific Island | 1,359 | 152 | 11.2% | 2% |
| Other Languages | 717 | 91 | 12.7% | 1% |

Table 1 Top 5 Language in Racine County Other than English

- e. Total LEP county population based upon a hearing disability: 6,332

f. LEP county percentage based upon hearing:

3.3%

Use of Interpreting Services in 2022

Spanish Language Interpreters

Racine County’s largest LEP need is for Spanish Language Interpreters. These interpreters account for ninety percent (90.6%) of the Circuit Court’s overall usage. Racine is committed to using state certified interpreters whenever possible. Certified Spanish language interpreters were used for Seven hundred and sixty-four (764.02) hours and non-certified Spanish language were used for eleven (11) hours. Certified usage accounts for nearly one hundred percent (98.6%) of all Spanish Language Interpreting in 2022.

When must the court provide language assistance services?

The court provides interpreters or reasonable accommodations in all case types (criminal and civil) during court proceedings for Limited English Proficiency (LEP) individuals.

Authority: Wis. Stat. §885.38(8)(a)1

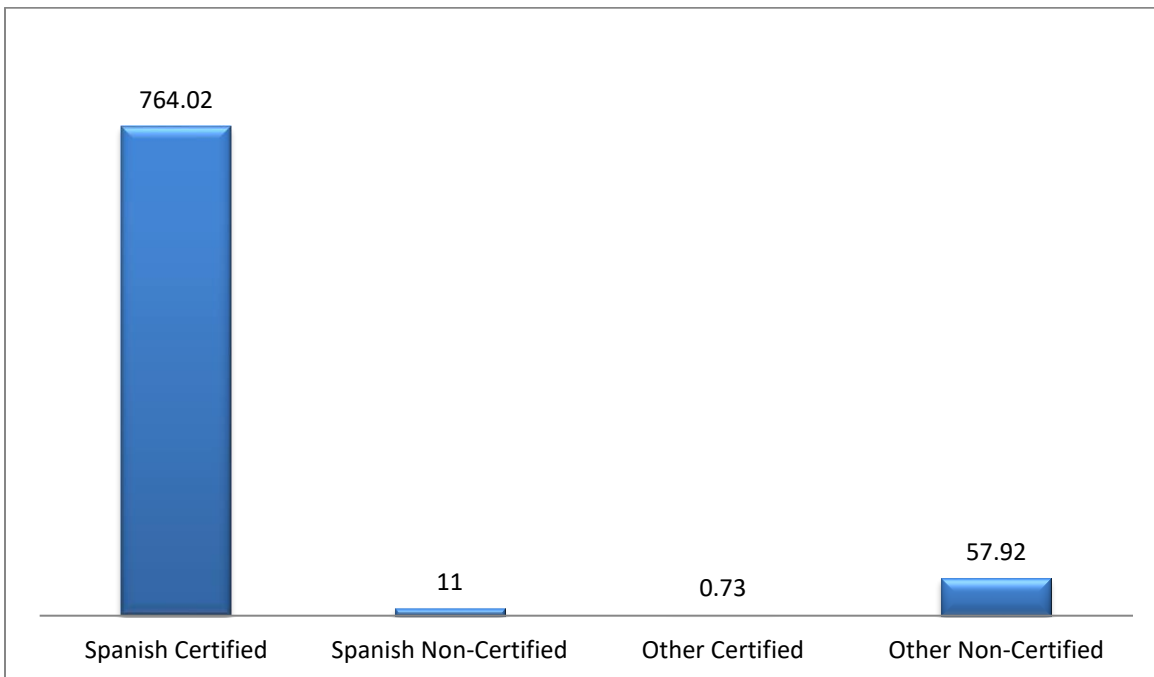


Table 2 Number of hours for certified and non-certified interpreters

American Sign Language Interpreters

Approximately twenty-two (22) hours of American Sign Language interpreting services were provided. Twenty (20) hours of Certified or Provisionally Certified and two (2) hours of un-certified American Sign Language Interpreters were used. American Sign

Language interpreting accounted for over two percent (2.6%) of the circuit court’s total usage.

Other Language Interpreters

While Spanish Language Interpreters account for the largest portion of Racine’s usage there are significant portions of that are required for other languages. The Circuit Court used a total of almost sixty (58.65) hours of interpreting services in 2022 for languages other than Spanish. These services account for just over just under seven percent (6.9%) of total interpreter usage. Other language Interpreters used included: Albanian, Burmese, Chinese – Mandarin, Farsi, French, Gujarati, Haitian, Hindi, Hmong, Karen, Malayalam, Mongolian, Nepali, Portuguese, Punjabi, Rohingya, Russian, Serbian, Tagalog, and Ukrainian.

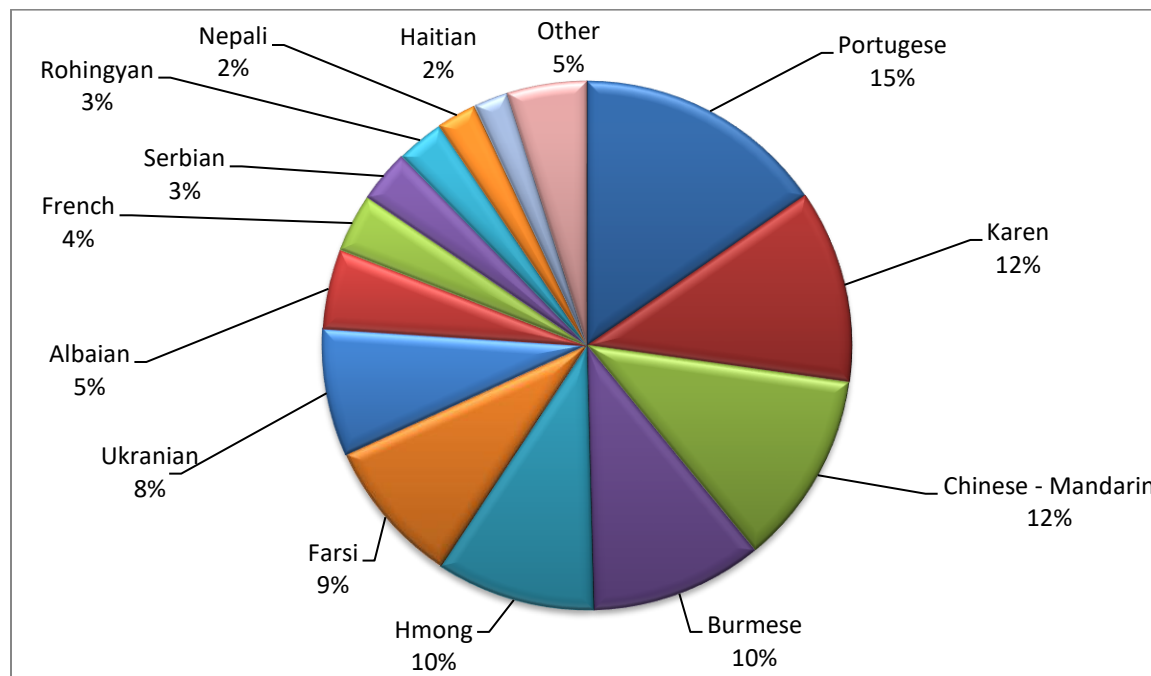


Table 3 Percentage of Other Language Interpreters Used

Expenditure for Interpreting Services

The primary obligation to pay for court interpreter services rests with the county. Counties are partially reimbursed by the state. The criterion for state reimbursement is set by statute and the Director of State Courts.

The actual cost of an interpreter may vary greatly depending on the language. Cost for individual interpreters varies greatly. For Language Interpreters, typical costs can include: actual interpreting cost; mileage and/or travel time; emergency/late booking charges; parking/meter charges; and cancelation charges.

Spanish Language Interpreters constitute just over ninety percent (90.4%) of the total usage of the Racine Circuit Court’s interpreter services. These services constituted just seventy-five percent (75.1%) of the total expenditure for our Interpreters.

In 2018, Racine County hired a full-time court interpreter in an attempt to control the rising cost of interpreting services. This position requires state certification for Spanish language interpreting. This position is utilized before hiring other contracted interpreters.

| Spoken Language Interpreters: Spanish | | |
|--|------------------------------------|--|
| | Cost of Service¹ | Percentage of Total Expenditure |
| Certified Interpreters - Contracted | \$54,936 | 27.9% |
| Certified Interpreter – Full-Time | \$87,337 ² | 44.3% |
| Non-Certified Interpreters | \$5,763 | 2.9% |

American Sign Language Interpreters provided almost three percent (2.6%) of usage and just under three percent (2.9%) of the total interpreter cost.

| American Sign Language Interpreters | | |
|--|------------------------------------|--|
| | Cost of Service¹ | Percentage of Total Expenditure |
| Certified Interpreters | \$4,662 | 2.2% |
| Provisional | \$280 | 0.14% |
| Non-Certified Interpreters | \$682 | 0.35% |

Interpreters for languages other than Spanish are often much more difficult to obtain and are much more expensive. These interpreter services constituted twenty-two percent (22%) of the total expenditure but only accounted for just under seven percent (6.9%) of the total interpreter usage. The cost of these interpreters continue to increase. In 2018, these interpreters constituted eleven (11.5%) percent of our total interpreter expenditure.

| Spoken Language Interpreters: Languages Other Than Spanish (LOTS) | | |
|--|------------------------------------|--|
| | Cost of Service¹ | Percentage of Total Expenditure |
| Certified Interpreters | \$1,231 | 0.6% |
| Non-Certified Interpreters | \$42,143 | 21.4% |

¹ This amount reflects only the charges for actual interpreting (excludes mileage, travel time, etc.).

² This amount reflects the actual cost for the full-time position with benefits.

The total cost of interpreting services paid in 2022, without the full-time interpreter’s salary, was \$120,051³. The Interpreter expenditure represents 4.9% of the Circuit Court’s total 2022 expenses.

Payment for Interpreter Services

In July 2018, the Director of State Courts’ office changed from a Reimbursement Program to a County Payment Program. This program distributes a portion of the state’s allotted circuit court support monies to counties based upon a formula that incorporates mileage reimbursement, a base payment, a premium for certified interpreter use, and reported interpreter usage. The Director’s office disbursing these payments on July 1 and January 1 of each year.⁴

| County Interpreter Expenditure ⁵ | State Interpreter Reimbursement/Payment | Percentage Reimbursed | Total Cost to County |
|---|---|-----------------------|----------------------|
| \$207,388 | \$58,575 | 28.24% | \$148,813 |

Availability of Certified and Registered Interpreters

The Clerk of Court’s office recruits and assigns interpreters to all circuit court cases from a listing maintained by the Director of State Courts’ office. Recruitment from within Racine County has been problematic. As of March 2023, only **one** certified language interpreters of any type residing in Racine County. Fortunately, the Circuit Court has a full-time, certified Spanish language interpreter on staff to cover our needs and has been able to draw upon the surrounding metropolitan areas for other qualified individuals. Typically, court interpreters are drawn from Milwaukee. The majority of other language interpreters are found in the Chicago-area most often through an independent agency, InterpreNet, LLC.

Wisconsin’s roster of certified interpreters has the following languages:

- Arabic - Standard
- American Sign Language
- American Sign Language – Deaf Relay
- Bosnian
- Chinese (Cantonese)
- Chinese (Mandarin)
- Croatian

³ Amount includes mileage, etc. paid to Interpreters.

⁴ Administrative Bulletin 18-01.

⁵ Includes salary and benefits for full-time interpreter

- French
- German
- Hmong
- Korean
- Polish
- Portuguese
- Russian
- Serbian
- Somali
- Spanish
- Vietnamese

| Certified Spanish Language Interpreters in the 2 nd Judicial District | |
|--|---|
| Kenosha County | 1 |
| Racine County | 1 |
| Walworth County | 1 |

Court interpreting is a profession that demands a high level of knowledge, skills, and abilities. Most people do not realize that being bilingual alone is insufficient to be competent in the field. For an individual to perform at the level of a professional court interpreter, they must:

- Possess an educated mastery of both English and a second language
- Possess a wide range of general knowledge
- Possess knowledge of court terminology in both languages
- Be able to perform the three modes of interpreting:
 1. Simultaneous—rendering an interpretation continuously at the same time someone is speaking from the source language (usually from English) into the language of one of the parties or target language.
 2. Consecutive—rendering statements made in a source language into statements in the target language intermittently after a pause between each completed statement in the source language.
 3. Sight translation—reading a document written in one language while converting it orally into another language, such as presentence reports, letters to judges, court forms, etc.
- Deliver interpreting services in a manner faithful to the code of ethics for court interpreters
- Understand and adhere to the rules and protocol of the court

To become certified in a designated language, a spoken language interpreter must register with the Office of Court Operations; attend a two-day orientation; pass a state certification examination (with both written and oral components in each language); complete an oath of office; complete court observation; maintain contact information with the Wisconsin Court Interpreter Program; and complete a character and fitness screening, including a criminal background check.

Spoken language interpreters: Spanish and other languages⁶

Certified:

Certified interpreters hold the highest credential for court interpreting offered by the Director of State Courts. This interpreter has passed a rigorous oral certification examination which tests an interpreter in the three modes of interpreting: Sight Translation, Consecutive and Simultaneous. This level of interpreter should always be the first choice for court interpreting either remotely for shorter hearings or in-person for longer hearings.

Sign language interpreters⁸

Certified:

Certified interpreters have met all the Director of State Courts' requirements in Wisconsin, which includes holding of a Registry of Interpreters for the Deaf (RID) specialist legal certification, such as an SC:L. Interpreters holding this specialist legal certification should always be the first choice for court interpreting.

Provisional:

Provisional interpreters have met all the court's requirements in Wisconsin, which includes holding a generalist level of certification from RID such as CSC, CI/CT, or NIC, or a level of certification from the National Association of the Deaf (NAD) 4 or 5. Provisional interpreters also hold a license by the Wisconsin Department of Regulation and Licensing (DRL) pursuant to Wis. Stat. §440.032. Interpreters in this category may be used in legal proceedings if a legally certified interpreter cannot be located.

As of December 1, 2010, Wis. Stat. §440.032 now requires all sign language interpreters who provide services for compensation to either be certified by the Wisconsin Supreme Court or be licensed by the Wisconsin Department of Regulation and Licensing (DRL). Courts are discouraged from using sign language interpreters who are not listed on the roster and should inquire about their credentials if seeking to hire them.

For more detailed information on certification levels with the Registry of Interpreters for the Deaf, Inc., see <http://www.rid.org/expl.html>.

Legal Mandates

It is the responsibility of the Clerk of Circuit Court's Office to provide interpreter services in all civil and criminal proceedings, from initial contact through final payment

⁶ Additional information on Certification Levels can be found on the Wisconsin Courts' website at <https://www.wicourts.gov/services/interpreter/certification.htm>

thereof per Wis. Stats. §885.38(3)(a) and §885.38(8)(a). Individuals entitled to an interpreter at the public's expense include:

- a. A party,
- b. A witness while testifying,
- c. An alleged victim under Wis. Stat. §950.02(4),
- d. A parent or legal guardian of a minor party, and
- e. A legal guardian of a party.

The Circuit Court is required to provide interpreter services for individuals with Limited English Proficiency (LEP) due to a disability under Wis. Stat. §885.38(1)(b)²⁷ who are part of a jury panel and jury. Wis. Stat. §885.38(3)(c). At the court's discretion, an interpreter may be appointed for any other person who is affected by the proceedings under Wis. Stat. §885.38(3)(a)5, if appointment is necessary and appropriate.

The court, under the Americans with Disabilities Act, takes appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communication with others. 28 CFR 35.160(a)1. The court shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. 28 CFR 35.160(b)(1). In determining what types of auxiliary aids and services are necessary, the court shall give primary consideration to the requests of individuals with disabilities. 28 CFR 35.160(b)(2).

The clerk of circuit court may appoint for interpreter services used in the clerk's office under Wis. Stat. §885.38(3)(d). The circuit courts are responsible for providing assistance to LEP individuals outside of the courtroom, on the telephone, email, or at the clerk's counters.

The circuit court may provide interpreter services for court-ordered events related to court proceedings if deemed appropriate by the judge per Wis. Stat. §885.38(3)(e). Interpreter services needed to conduct Pre-Sentence Investigations (PSI) interviews are the responsibility of the Department of Corrections (see **State v. Tai V. Le**, 184 Wis. 2d 860, 517 N.W. 2d 144 (1994)). At the discretion of the court, interpreter services may be provided for brief communications before and after a court proceeding to promote efficient use of interpreter resources. Ultimately, it is the attorney's responsibility to keep his or her client reasonably informed about the status of a case under Supreme Court Rule 20:1.4.

⁷ The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding.

While the court has discretion to appoint interpreters in other actions or proceedings under Wis. Stat. §885.38(3)(f), the circuit courts are not generally responsible for interpreter services needed during out-of-court activities that do not involve court staff or are not court-ordered. Some examples include:

- Interviews conducted in the jail between inmates and private attorneys or public defenders
- Depositions
- Private alternative dispute resolutions or mediation
- Conversations between victim-witness staff and victims or witnesses in the District Attorney's (DA) office
- Pre-Trial conference between defendants and the DA in the DA's office
- Interpreters assisting the state public defender as part of case preparation, Wis. Stat. §885.38(8)(b)

Court Interpreters Program (Director of State Courts Office, 2017)

The Wisconsin Supreme Court is committed to providing language services and access to justice for people of limited English proficiency (LEP). As part of that commitment, the Director of State Courts Office developed the Court Interpreter Program to train and test interpreters, educate court officials on compliance with state and federal laws regarding language access, and best practices for using interpreters, translate court forms, and address related language access issues. Policy direction is provided by the Committee to Improve Interpreting and Translation in the Wisconsin Courts which has been working on policy and program development since 1999.

More information can be found on the Wisconsin Court System website at:
<https://www.wicourts.gov/services/interpreter/>

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