

# **Language Access Plan**

## **Organization Information**

**Name: City and County of Honolulu / PAT**

**City: Honolulu**

**State: HI**

**Zip: 96813**

**Reviewed & Approved**



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**Steven S. Alm  
Prosecuting Attorney  
September 12, 2023**



# 2022 LANGUAGE ACCESS PLAN

DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

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## Introduction

The mission of the Department of the Prosecuting Attorney (PAT) is “*to promote and ensure public safety and order through effective, efficient, and just prosecution.*” PAT prosecutes offenses against Hawai‘i State laws under the authority of the Hawai‘i State Attorney General; and ordinances, rules, and regulations of the City and County of Honolulu (City). PAT represents the people and the State of Hawai‘i in criminal proceedings before District Court, Family Court, and Circuit Court in Honolulu County; presents cases to the O‘ahu Grand Jury; and handles appeals and other matters heard by the Hawai‘i Intermediate Court of Appeals and the Hawai‘i Supreme Court.

PAT receives federal assistance through various grants issued by the U.S. Department of Justice (DOJ). In addition to submitting grant requests to, and receiving grant approval/funding directly from DOJ, PAT also receives DOJ grant funds indirectly through the Hawai‘i State Department of the Attorney General (Hawai‘i AG). The objectives of such grants include: Supporting law enforcement and public safety activities in state and local jurisdictions; assisting victims of crime; providing training and technical assistance; and implementing programs that improve the criminal and juvenile justice systems.

## Compliance with Civil Rights Mandates

PAT is an Equal Opportunity Provider and Employer, and is committed to compliance with all applicable nondiscrimination mandates that include:

- Title VI of the Civil Rights Act of 1964, as amended (Title VI), which provides that “No person in the United States shall, on the ground of race, color or national origin<sup>1</sup> be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”;
- Assurances that are specified in Federal grant award documents as a condition for receiving Federal funding; and
- Other Federal, State, and City laws, rules, and directives governing non-discrimination in employment and the delivery of programs and services to the public, including language access.

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<sup>1</sup> National origin discrimination includes discrimination on the basis of being Limited English Proficient (LEP). LEP persons are individuals who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English. In certain situations, failure to ensure that LEP persons can effectively participate in, or benefit from federally assisted programs and services may violate the prohibition against national origin discrimination under Title VI and related regulations.

## **Language Access Plan**

This Language Access Plan (Plan) reflects PAT’s commitment to comply with Title VI and Language Access requirements to take reasonable steps to provide meaningful access<sup>2</sup> to Limited English Proficient individuals, and applies to all programs and specialized teams that interact with, and provide programs, services, or activities to the public. For the purposes of this Plan, Limited English Proficient (LEP) persons are defined as individuals who do not speak English as their primary language; have a limited ability to read, write, speak, or understand English; and may be eligible to receive free language assistance with respect to a particular service, benefit, or encounter.

This Plan focuses on the internal management of PAT’s language access program that defines the reasonable efforts that PAT will make to provide language accessible programs and activities to the public. PAT has developed a separate Title VI Plan that directs departmental efforts in the implementation of, and compliance with Title VI requirements.

## **Language Access Policy**

PAT is committed to a policy of taking reasonable steps to provide LEP individuals meaningful language access to PAT’s programs or activities, at no cost to LEP individuals.

This policy applies to all departmental components that provide programs, services, or activities to the public and entities that receive federal assistance through PAT to provide services to victims, witnesses, and Community Outreach Court participants.<sup>3</sup>

## **Definitions and Applicable Non-Discrimination Mandates**

Definitions of terms are provided in the footnotes of this Plan. Applicable legal and administrative nondiscrimination mandates are provided on *Attachment 1*.

## **Assessment of Major Programs and Specialized Teams**

A department-wide assessment of PAT’s programs, activities, and services concluded that the criminal justice functions and related support services that all components of the department provide are of critical importance to the lives of victims and witnesses of crime, many of whom are LEP and not likely to be familiar with the criminal justice system and related processes.

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<sup>2</sup> Meaningful access is language assistance that results in accurate, timely, effective communication, provided at no cost to the LEP individual.

<sup>3</sup> Community Outreach Court is a joint effort by PAT, the State Office of the Public Defender, and the Hawai‘i Judiciary to resolve minor court cases involving individuals who have pending citations and/or warrants by requiring that they perform community service instead of paying fines or serving jail time, and agree to accept counseling and other services to address humanitarian needs.

PAT is responsible for prosecuting cases that are primarily referred by law enforcement agencies that include the Honolulu Police Department (HPD), and the Narcotics and Enforcement Division<sup>4</sup> and Sheriff Division<sup>5</sup> of the State Department of Public Safety. PAT also prosecutes cases referred by federal law enforcement agencies that include U.S. Immigration and Customs Enforcement (ICE)<sup>6</sup>, Bureau of Alcohol, Tobacco, Firearms and Explosions (ATF)<sup>7</sup>, Drug Enforcement Administration (DEA)<sup>8</sup>, and the United States Secret Service (USSS)<sup>9</sup>. The initiating law enforcement agency provides PAT with advance notice about situations in which the complainant and/or witness is LEP, and informs PAT in a written report of the need for an interpreter and the primary language(s) spoken by the LEP individual.

Following the case referral to PAT, and during the initial telephone contact with the LEP complainant/witness, PAT's victim/witness advocate staff independently confirms the LEP individual's need for interpretation services and his/her primary language, and makes advance arrangements to provide language assistance services through a contracted commercial vendor.

## **Major Functions/Points of Public Contact and Language Assistance Services**

PAT's major functions include: Administration, Prosecution, Victim/Witness Kokua Services, and Investigative Services.

### **Administration**

The Administration Office directs all criminal prosecution and operations of the department, establishes policies and priority programs aimed at enhancing public safety, and engages and informs communities about public safety initiatives. Staff provides administrative support services to the entire department.

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<sup>4</sup> The Narcotics Enforcement Division (NED) is the lead state agency responsible for monitoring and preventing the illegal diversion of pharmaceutical drugs and providing investigative services to county, state, and federal agencies.

<sup>5</sup> The Sheriff Division provides law enforcement services statewide. Its mission is to preserve the peace by protecting all persons and property within premises under the control of the Judiciary and all State facilities; providing process services and execution of court documents; handling detained persons; providing secure transportation for persons in custody; and providing law enforcement services at the Daniel K. Inouye International Airport.

<sup>6</sup> U.S. Immigration and Customs Enforcement is a federal law enforcement agency under the US Department of Homeland Security responsible for identifying, investigating, and dismantling vulnerabilities regarding the nation's border, economic, transportation, and infrastructure security.

<sup>7</sup> The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is a federal law enforcement organization within the US Department of Justice. Its responsibilities include the investigation and prevention of federal offenses involving the unlawful use, manufacture, and possession of firearms and explosives; acts of arson and bombings; and illegal trafficking of alcohol and tobacco products.

<sup>8</sup> The Drug Enforcement Administration (DEA) is a federal law enforcement agency under the U.S. Department of Justice, tasked with combating drug smuggling and use within the United States. The DEA is the lead agency for domestic enforcement of the Controlled Substances Act, sharing concurrent jurisdiction with the Federal Bureau of Investigations (FBI), Immigration and Customs Enforcement (ICE), Homeland Security and U.S. Border Patrol.

<sup>9</sup> The United States Secret Service (USSS) is a federal law enforcement agency under the U.S. Department of Homeland Security. One of the areas of responsibility is Financial Crimes, covering missions such as prevention and investigation of counterfeit U.S. currency, U.S. treasury securities, and investigation of major fraud.

PAT'S Reception/Messenger unit provides internal administrative support services that include: Directing incoming telephone calls to appropriate programs; providing in-person assistance to members of the public; and customers requesting assistance; processing mail; and filing court documents.

Within the past five years, the Reception/Messenger Unit reports that it has not received telephone calls from members of the public or complainants/witnesses who are LEP. Referral to advocacy staff and telephonic interpretation services will be provided if LEP individuals contact the Administration/Reception Office by phone.

## **Prosecution**

Specialized prosecution teams are responsible for prosecuting violations of State and City statutes, ordinances, rules, and/or regulations for which there are criminal sanctions.

When an individual is indicted and a bench warrant is issued for his/her arrest, a State Deputy Sheriff is assigned responsibility for arresting and transporting the individual to State court for arraignment and plea. The Hawai'i State Judiciary (Judiciary) has jurisdiction over, and provides meaningful access to court processes and services to LEP persons. In all types of cases, the Judiciary is responsible for providing timely and competent court interpreters for witnesses and individuals with a substantial interest in a case, at no charge to the affected individuals.

In the process of preparing cases for trial, PAT rarely initiates contact with defendants, who are usually represented by counsel and receive language assistance services through their attorneys during the trial preparation process, and through the Judiciary during court proceedings. The State Office of the Public Defender is responsible for arranging language assistance services for eligible LEP defendants during the trial preparation process and coordinating the provision of language assistance services with the Judiciary during trial. Private attorneys are responsible for arranging language assistance services for their LEP clients during the trial preparation process and coordinating language assistance services with the Judiciary during trial.

When follow-up information for a case is needed, PAT refers the request to the respective law enforcement agency that conducted the investigation for the subject case (primarily HPD or the State Department of Public Safety). The respective law enforcement agency provides language assistance services that may be needed during follow-up interviews with witnesses who are LEP.

### **Screening and Intake**

Deputy Prosecuting Attorneys (DPAs) assigned to the Screening and Intake team are responsible for receiving investigative reports of crimes (primarily from HPD) that include statements from victims, witnesses, and defendants, working with HPD Detectives to determine the appropriate charge(s), and initiating charge(s) against defendants. To prepare for screening/intake meetings involving DPAs, victims/witnesses, and victim/witness advocates, which are required prior to

proceedings before the O‘ahu Grand Jury, PAT makes advance arrangements for a contracted commercial vendor to provide language assistance services for victims/witnesses who are LEP. The State Judiciary makes arrangements for interpretation services during court proceedings in District Court or Circuit Court. Once a case is charged, it is transferred to the Felony Trials team for prosecution.

### **Felony<sup>10</sup> Trials**

DPAs assigned to the Felony Trials team prosecute all cases over which the Circuit Court has jurisdiction, including murder, manslaughter, robbery, burglary, and arson. The Felony Trials team receives most of its cases from the Screening and Intake team. To prepare for meetings involving DPAs, victims/witnesses, and victim/witness advocates concerning the trial preparation and sentencing processes, PAT makes advance arrangements for a contracted commercial vendor to provide language assistance services for victims/witnesses who are LEP. The State Judiciary provides interpretation services that are needed when cases go to trial.

### **Appellate**

The Appellate team represents the State in all appeals from cases that are prosecuted by PAT. DPAs assigned to the Appellate team respond to legal challenges at the Hawai‘i Supreme Court and Intermediate Court of Appeals.

### **Career Criminal**

DPAs assigned to the Career Criminal team prosecute cases involving defendants who commit felony offenses while on probation or parole, or who have a certain number of prior felony and/or misdemeanor convictions, and may face mandatory minimum sentences upon conviction. The Career Criminal program is mandated by the State of Hawai‘i under chapter 845, Hawaii Revised Statutes (HRS). PAT provides language assistance services for victims/witnesses who are LEP during the trial preparation process. The State Judiciary provides interpretation services that are needed when cases go to trial.

### **Sex Assault**

DPAs assigned to the Sex Assault team handle cases involving sexual assault of both adults and minors. DPAs assigned to this team handle the case from preparation and initiation of the charge(s) through trial. Interaction with only one attorney is intended to reduce the victim’s stress. PAT provides interpretation services for victims/witnesses who are LEP during the trial preparation and charging process. The State Judiciary provides interpretation services during trial.

### **Elder Abuse**

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<sup>10</sup> The DOJ, Offices of the United States Attorneys, defines “felony” as: “Any offense punishable by death or imprisonment for more than one year. Felonies are the most serious crimes. The prosecutors and the courts handle felony cases differently from misdemeanor cases (cases that have shorter possible sentences).” (<https://www.justice.gov/usao-ndil/programs/vwa-felony/>)



DPAs assigned to the Elder Abuse team prosecute cases involving victims 60 years and older. PAT provides language assistance services for victims/witnesses who are LEP during trial preparation. The State Judiciary provides interpretation services during trial.

The Elder Abuse team is also responsible for educating and informing seniors about financial fraud at venues that include senior fairs, banks and credit unions, senior groups at City parks, and events hosted by the American Association of Retired Persons. Tag lines in outreach announcements for such events, which are prepared by the entity responsible for hosting the event, explain how language and other types of communication/physical access may be requested in advance of the event. The hosting entity is responsible for making arrangements for language assistance that may be requested.

### **White Collar Crime**

DPAs assigned to the White Collar Crime team investigate and prosecute cases involving financial fraud and computer-based crimes, including theft, identity theft, money laundering, and wire fraud. PAT provides language assistance services for victims/witnesses who are LEP during trial preparation. The State Judiciary provides interpretation services during trial.

### **Domestic Violence**

DPAs assigned to the Domestic Violence team are responsible for prosecuting any act of violence or threat of violence between individuals who are or have been in a relationship, or have a child together. Acts of threats of violence include coercion and intimidation or disregarding a restraining order. Domestic violence can be a felony or misdemeanor, based on the extent of injury. PAT provides language assistance services for victim/witnesses who are LEP during trial preparation. The State Judiciary provides interpretation services during trial.

### **Juvenile Offender**

DPAs assigned to the Juvenile Offender team handle cases involving minors under the age of 18 in the Family Court system. PAT provides language assistance services to victims/witnesses who are LEP and their parents or guardians who are LEP, as applicable. The State Office of the Public Defender provides language assistance services for eligible minors charged with a criminal offense and their parents or guardians who are LEP during trial preparation and during trial.

### **Misdemeanor<sup>11</sup>/Traffic**

The Misdemeanor/Traffic team conducts arraignments and trials in District Court branches in Honolulu, Ewa, Wahiawa, Kaneohe, and Waianae (Kapolei), where cases usually include traffic violations such as drunk driving and speeding, as well as petty and full misdemeanors such as harassment, minor assaults, and minor thefts. PAT

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<sup>11</sup> The DOJ, Offices of the United States Attorneys defines “misdemeanor” as: “Any criminal offense punishable by imprisonment for a term of not more than one year is a misdemeanor.”

provides language assistance services for victims/witnesses who are LEP during trial preparation, and the State Judiciary provides interpretation services during trial.

## **Victim/Witness Kokua Services**

The Victim/Witness Kokua Services team provides a variety of services and support to help victims and witnesses cope with the aftermath of a crime as a case makes its way through the criminal justice system. Services include crisis counseling, accompaniment to court appearances, notification of major case developments, and assistance with filing for compensation.

Interaction with victims and witnesses primarily occurs in-person, and may include contact via telephone. PAT regularly seeks and receives federal grants to fund in-person and telephonic interpretation and translation services required to provide these support services.

## **Investigative Services**

The Investigative Services team provides security services for departmental staff, transports witnesses to court proceedings, locates material witnesses, serves subpoenas on witnesses for trial, produces reports for cases being prepared for trial, conducts investigations, and may arrest defendants named in warrants. PAT provides language assistance services that may be required when transporting and locating witnesses who are LEP, arresting defendants who are named in warrants who are LEP, and in the process of conducting investigations.

## **Responsibilities**

### **Department Head**

The Prosecuting Attorney is PAT's Department Head, and is ultimately responsible for:

- Directing PAT's compliance with applicable Federal, State, and City laws, rules, and directives regarding non-discrimination in employment, access to facilities, and provision of services;
- Seeking resources, including funding, for language access compliance within all applicable program areas of PAT;
- Providing and directing staff and available resources necessary to ensure compliance with language access requirements;
- Advancing the development, implementation, monitoring, and updating of a comprehensive Language Access Plan that identifies departmental actions that will be taken to ensure that LEP persons have meaningful access to departmental programs, services, and activities; and
- Establishing effective complaint handling procedures.

## Departmental Language Access Coordinator

PAT's Title VI Coordinator also serves as the Language Access Coordinator, and is responsible for:

- Overseeing, monitoring, and coordinating the implementation of PAT's Language Access Plan; and reporting progress and concerns to the Department Head;
- Compiling and updating PAT's Language Access Plan;
- Identifying language access training needs and guidelines, and providing and/or coordinating training for PAT's managers, supervisors, and staff;
- Facilitating the timely investigation and resolution of language access complaints concerning PAT's programs, activities, or services;
- Reviewing complaints filed by members of the public that allege denial of meaningful language access to PAT's programs or services, and making recommendations to remedy deficiencies;
- Coordinating the compilation of data and maintenance of records pertaining to LEP encounters and Title VI/language access discrimination complaints; and
- Participating in Title VI/language access training and disseminating language resource information to appropriate staff.

## Division Chiefs and Supervisors

Division Chiefs and supervisors have immediate responsibility for:

- Identifying operational situations in which language assistance services in applicable program areas are likely to be required for existing and prospective customers;
- Developing, implementing, and modifying as needed, language assistance procedures and services that provide LEP persons with free, meaningful access to programs, services and information;
- Overseeing and supervising the delivery and effectiveness of language assistance procedures and services provided to LEP individuals;
- Developing and implementing language access data tools and related reporting procedures that effectively document and track information concerning LEP encounters, such as the types of language assistance services provided, the most frequently encountered languages spoken by individuals requiring assistance services, language service providers used, and the number and nature of complaints;
- Ensuring that staff is aware of and understands PAT's/the City's obligations to comply with applicable language access requirements, and that staff who interact with LEP individuals are properly trained to provide appropriate language assistance services to LEP individuals within respective program areas;
- Evaluating and monitoring the effectiveness of language assistance procedures and services provided to LEP individuals and implementing changes to improve such services in respective program areas;

- Conducting and/or directing the timely investigation and resolution of language access discrimination complaints in respective program areas and reporting such complaints to PAT’s Title VI Coordinator;
- As applicable, reporting data on LEP encounters and language assistance services provided to LEP individuals in respective program areas to PAT’s Title VI and Language Access Coordinator; and
- Budgeting for costs and resources needed for language access compliance in respective program areas and identifying to appropriate officials, as needed, barriers that may be preventing effective language access services from being provided.

## Employees

Employees are responsible for:

- Supporting language access compliance activities;
- Following established procedures when identifying the language access needs of LEP individuals and providing language assistance services;
- Complying with applicable procedures and providing appropriate language assistance services to LEP individuals; and
- Participating in language access training.

## Assessment of the Language Needs of the LEP Population Likely to be Served

The U.S. Department of Justice has established the following four factors<sup>12</sup> that -- when assessed and balanced in conjunction with the eligible LEP population served -- will assist in the process of determining the reasonable steps that will be taken to provide LEP individuals with meaningful access to the programs and services that PAT provides to the public.

### Factor 1: The number or proportion of LEP persons served or encountered in the eligible service population

After reviewing U.S. Census<sup>13</sup>/American Community Survey estimates, PAT determined that information provided by the commercial vendor through which free interpretation and translation services to LEP customers has been provided since 1986 was more relevant in determining the number/proportion of LEP persons served or encountered.

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<sup>12</sup> (65 FR 50123) (August 16, 2000), and HRS § 321C-3(a) (1)-(4)321-C(a) (1)-(4)

<sup>13</sup> Source: Table B16001, “Language Spoken At Home By Ability to Speak English for the Population 5 Years and Over”, State of Hawai‘i (ACS 2012) “Total Persons 5 Years and Over Who Speak a Language Other Than English at Home and Speak English Less than ‘Very Well’”; as prepared by the U.S. Department of Justice, Civil Rights Division

The vendor reported the following data on the 10 most frequently encountered languages spoken/read by LEP individuals who actually needed language assistance services for Fiscal Year 2014 to 2015:

**In-Person Language Assistance Services<sup>14</sup>**

<u>Number/Proportion</u>	<u>Language Other Than English</u>
122/30%	Korean
69/17%	Japanese
37/9%	Mandarin
32/8%	Chuukese
30/7%	Cantonese
28/7%	Vietnamese
27/6%	Tagalog
23/5%	Ilocano
12/3%	Spanish
10/2%	Samoan

**Telephonic Interpretation Services<sup>15</sup>**

<u>Number/Proportion</u>	<u>Language Other Than English</u>
25/32%	Korean
13/14%	Japanese
11/14%	Cantonese
7/9%	Chuukese
5/6%	Mandarin
5/6%	Spanish
4/5%	Marshallese
3/4%	Ilocano
2/2%	Tagalog
2/2%	Vietnamese

**Written Translation Services<sup>16</sup>**

<u>Number/Proportion</u>	<u>Language Other Than English</u>
6/40%	Spanish
2/13%	Japanese
2/13%	Korean
1/7%	Cantonese
1/7%	Ilokano
1/7%	Samoan
1/7%	Tagalog
1/7%	Vietnamese

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<sup>14</sup> The total number of in-person encounters with LEP customers in FY 2014-2015 requiring telephonic interpretation services was 411.

<sup>15</sup> The total number of encounters with LEP customers in FY 2014-2015 requiring telephonic interpretation services alone was 77.

<sup>16</sup> The total number of encounters with LEP customers in FY 2014-2015 requiring written translation services was 15.

0/0%	Chuukese
0/0%	Korean

Based on the data provided by the vendor, PAT has determined that the top 10 non-English languages of LEP persons eligible to be served or encountered by PAT are: Japanese, Korean, Mandarin, Chuukese, Samoan, Ilokano, Tagalog, Spanish, Vietnamese, and Cantonese.

## Factor 2: The frequency with which LEP persons come into contact with applicable programs

In addition to monitoring the summarized LEP customer data reported by the language assistance vendor, PAT implemented a new case management system, ProsecutorbyKARPEL (PbK), in 2014. The PbK system collects and summarizes demographic data on all LEP persons served by PAT, including: (1) The primary languages spoken by LEP customers needing language assistance; (2) The kinds of PAT services that are used by LEP customers; and (3) The frequency with which LEP customers use such services.

The frequency with which LEP individuals come into contact with PAT's programs, as reported by both the PbK system and the vendor that provides language assistance services to PAT's LEP customers, is consistent; and are, in descending order of frequency: Japanese, Korean, Mandarin, Chuukese, Samoan, Ilokano, Tagalog, Spanish, Vietnamese, and Cantonese.

## Factor 3: The nature and importance of the program, activity, or service provided to LEP persons

A department-wide assessment of PAT's programs, activities, and services concluded that the criminal justice functions and related support services that are provided by all departmental components are of critical importance to the lives of victims and witnesses of crime who are LEP and not likely to be familiar with the criminal justice system and related processes.

PAT will continue to provide oral translation services if written translation of written material is not available.

## Factor 4: The resources available to the program and the costs of providing interpretation/translation services

PAT annually allocates resources for commercial vendors to provide telephonic and in-person interpretation and translation services projected for the ensuing fiscal year. Funding for these services is provided by the federal grant issued to PAT under the Victims of Crime Act and City and County of Honolulu general funds.

## **Translation of Written Material**

Currently, PAT arranges for a commercial vendor to translate important correspondence and documents into the primary languages of victims/witnesses before such written materials are sent.

PAT is developing plans to identify and prioritize additional written material for translation, including public outreach and educational materials that provide important information about the programs and services that PAT provides. These plans will involve:

- Identifying the most important parts of, and simplifying the language used in the written materials targeted for translation;
- Determining the non-English languages into which the targeted materials should be translated, based on the primary languages of LEP customers who PAT most frequently encounters or are likely to be affected by PAT's programs and services;
- Obtaining estimates of the cost required to translate the targeted materials; and
- Arranging for translation services, based on translation priorities and currently available and projected resources.

PAT will continue to provide oral translation services if translated written material is not available.

## **Providing Notice of Free Language Assistance Services to LEP Individuals**

PAT will provide notice of free language assistance services to LEP individuals by:

1. Posting a notice in PAT's reception area that invites LEP individuals to identify their need for language assistance by pointing to their primary language on the poster to access free interpretation services. The notice is written in 24 non-English languages encountered in the State, including the 14 languages spoken by LEP individuals who needed language assistance services in conjunction with the delivery of PAT's program and services during Fiscal Year 2014 to 2015, as reported by the vendor that provides interpretation and translation services to PAT's LEP customers.
2. Including, in announcements/flyers concerning outreach activities in which PAT participates, information that provides the public with advance notice that: (1) Language access may be requested in advance of the event; and (2) Language access, when provided, is free of charge to the LEP individual.
3. Posting PAT's commitment to comply with Title VI and Language Access requirements and PAT's Language Access Policy and Plan on its website.

## Training

PAT's Title VI Coordinator or designee will conduct and/or coordinate initial training for Division Chiefs, supervisors, and staff to address Title VI and Language Access compliance requirements, PAT's Title VI and Language Access Policies and Plans, complaint handling procedures, and related responsibilities. Respective divisions/teams have immediate responsibility for providing or making appropriate arrangements to coordinate Title VI/Language Access training for existing and new employees with PAT's Title VI Coordinator or designee.

### Employees

All employees will receive initial training to ensure that they have a general awareness and understanding of Title VI and Language Access mandates, and the purpose and content of PAT's Title VI and Language Access Plans. Employees in positions who have public contact will receive specialized training that will include procedures that are intended to facilitate language assistance services provided to LEP individuals. New employees will participate in similar initial training as part of their orientation.

### Division Chiefs and Supervisors

All Division Chiefs and supervisors assigned to divisions/teams that interact with the public will receive initial training to ensure that they are aware of, and understand Title VI and Language Access requirements, the content of PAT's Title VI and Language Access Plans, and complaint handling and resolution procedures.

### Sub-grantees

PAT will disseminate its Title VI and Language Access Policies and Plans to, and provide relevant training for all sub-grantees to ensure that they understand their responsibility for assuring nondiscrimination when providing services on behalf of PAT, and how PAT will monitor their compliance with Title VI/Language Access requirements.

PAT will make every effort to ensure appropriate staff attend training sessions as recommended by the City and County of Honolulu's Equal Opportunity Office to further expand the knowledge, skills, and abilities of employees, division chiefs and supervisors, and sub-grantees.

## Language Access Compliance Activities

Compliance activities associated with the initial implementation of this Plan include:

- Ensuring that all staff is aware of, and understands PAT's Language Access Policy and Plan by:
  - Disseminating PAT's Language Access Policy and Plan to all staff;
  - Providing relevant training to, and notifying all employees, Division Chiefs, and supervisors of their respective responsibilities for ensuring that reasonable steps are



- taken to provide LEP individuals meaningful access to PAT's programs and services, at no cost to LEP individuals;
- Disseminating and discussing the Plan with all Division Chiefs and supervisors, including their responsibility for overseeing, monitoring, and modifying, as needed, efforts to provide meaningful access to LEP individuals and implementing Title VI/Language Access complaint handling procedures in applicable program areas;
  - Providing specialized training to staff in positions where there is public contact that will facilitate their interaction with, and delivery of appropriate language assistance services to the public; and
  - Providing training to new employees.
- Ensuring that sub-grantees are aware of, and understand applicable Title VI/Language Access compliance responsibilities by:
    - Disseminating PAT's Language Access Policy and Plan to all sub-grantees;
    - Providing relevant training for, and notifying all service providers of applicable Language Access compliance requirements when providing services on behalf of PAT; and
    - Explaining to sub-grantees how PAT will monitor and assess their compliance with Language Access requirements.
  - Conducting periodic reviews of the Plan and updating the Plan, as appropriate.
  - Implementing procedures to address potential language/communication access issues in advance of outreach events.
  - Providing notice of free language assistance to the public.
  - Issuing public notice of PAT's commitment to compliance with Title VI/Language Access requirements, including posting PAT's Language Access Policy and Plan on PAT's website.

## Complaint Handling

Respective programs/teams have immediate responsibility for promptly acknowledging the receipt of, responding to, investigating as applicable; and resolving Title VI/Language Access discrimination complaints concerning the activities and services for which they are responsible.

- Complaints should, to the extent possible, include the following information:
  - Complainant's name, mailing address, or alternate methods of contact (telephone number, email address);
  - The area/s on which the alleged discrimination is based (e.g. race, color, national origin, sex, disability, age);
  - Name of the person/s, program, activity, etc. that the Complainant believes discriminated against him/her; when and where the alleged discrimination occurred; and a description that specifies how the Complainant believes s/he was excluded from participation in, denied the benefits of, or otherwise subjected to discrimination;

- An explanation of the events that caused the Complainant to believe that s/he experienced discrimination;
  - Resolution that the Complainant is seeking; and
  - Any other relevant information or documents pertaining to the complaint.
- Individuals may, but are not required to use PAT’s “Title VI Complaint Form”<sup>17</sup> to submit complaint information; a letter that includes the same information is sufficient.
  - Employees should be directed to PAT’s internal complaint process for filing complaints under Title VI/related mandates.
  - Individuals with disabilities or LEP individuals may request, if needed, assistance with completing the complaint form and during the complaint process.
  - The completed complaint form/letter, signed by the complainant, should be received by PAT within 60 days of the date of the alleged discrimination. Complaints received after 60 days of the date of the alleged discrimination will be reviewed to determine whether further processing is appropriate.
  - Retaliation against an individual -- who has opposed a practice that is prohibited by Federal or State nondiscrimination law, or who has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing under this procedure or procedures provided by Federal or State law – is prohibited.
  - A complaint may be withdrawn at any time during the complaint process. Withdrawals must be provided in writing. Withdrawal of the complaint may not remove PAT’s obligation to conduct a fact-finding investigation and take appropriate responsive action concerning the programs, activities, and services provided.

Complaints may be filed with:

- ❖ Department of the Prosecuting Attorney  
1060 Richards St.  
Honolulu, HI 96813  
Phone: (808) 768-7400  
Fax: (808) 768-7515  
E-mail: PAT.TitleVI@honolulu.gov
- ❖ City and County of Honolulu  
Equal Opportunity Office<sup>18</sup>  
Kapālama Hale  
925 Dillingham Blvd., Suite 180  
Honolulu, HI 96813  
Phone: (808) 768-8505  
Fax: (808) 768-8490

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<sup>17</sup> Refer to the attached “Title VI Complaint Form”

<sup>18</sup> Complaints filed with the City and County of Honolulu’s Equal Opportunity Office will be referred to the Department of the Prosecuting Attorney for processing.

Complaints filed with the Department of the Prosecuting Attorney or the City's Equal Opportunity Office should be received within 60 days from the date of the alleged discrimination. Complaints received after 60 days from the date of the alleged discrimination will be reviewed to determine whether further processing is appropriate.

Complaints may also be filed with the U.S. Department of Justice (DOJ), Office for Civil Rights. The DOJ investigates complaints from members of the public who believe that an agency that receives DOJ funding has discriminated against them, either in employment or in the delivery of services or benefits. To file a complaint with the DOJ, the complainant may download and complete the Complaint Verification Form and the Identity Release Statement from the DOJ's website at <http://ojp.gov/about/ocr/complaint.htm> and return both forms to the Office for Civil Rights at the following address:

- ❖ Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, NW  
Washington, DC 20531  
Phone: (202) 514-2000  
Email: [askojp@ncjrs.gov](mailto:askojp@ncjrs.gov)

Complaints may also be filled via the OCR Complaint Portal: <https://www.hhs.gov/civil-rights/filing-a-complaint/complaint-process/index.html>

Complaints should be filed within 180 days from the date of the alleged discriminatory incident. OCR may extend the 180-day period if you can show "good cause."

Within five (5) calendar days of receipt of a complaint filed with PAT, the Title VI Coordinator or designee shall notify the complainant whether the complaint has been accepted or whether additional information is needed in order to accept the complaint. In order to be accepted, a complaint must meet the following criteria.

- The complaint must be filed within 60 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant;
- The allegation(s) in the complaint must involve the lack of reasonable steps taken by PAT to provide meaningful access to LEP individuals; and
- The allegation(s) in the complaint must involve a program or activity that receives federal financial assistance.

PAT's Title VI Coordinator or designee shall appoint an investigative panel responsible for evaluating the contents of the complaint, developing a plan to investigate the complaint, conducting interviews, collecting and analyzing evidence related to the complaint, and preparing an investigative report. The respondent to the complaint shall be given an opportunity to respond to the allegations in writing.

Upon agreement by the complainant and respondent, the investigative panel may conduct informal mediation meetings at any stage of the process in an effort to resolve the complaint.

The investigative report shall be submitted to the Prosecuting Attorney within 90 days of the acceptance of the complaint by PAT's Title VI Coordinator or designee. The Prosecuting Attorney shall issue a final decision on the complaint and provide written notification of the decision to the complainant and respondent.

A complaint may be dismissed at any time if the complainant requests to withdraw the complaint, the complainant fails to respond to repeated requests for additional information needed to process the complaint, or the complainant cannot be located after reasonable attempts to locate the complainant.

Nothing in this policy shall be construed as preventing or discouraging complainants from filing formal complaints with other State or federal agencies or seeking judicial relief, as provided by law.

## **Plan Review and Update**

PAT will periodically review and update this Plan. The review may include updated information collected on LEP demographic data and language assistance services provided to LEP individuals; and consideration of input from staff, stakeholders, and the public to determine if changes in the delivery of programs, services, and information, and/or budgeting for resources required for language access compliance are needed.

## **Monitoring Sub-grantees**

PAT monitors sub-grantees' compliance with Title VI and related civil rights mandates to ensure nondiscrimination in the services that they provide to the public on behalf of PAT. Compliance monitoring activities include:

- Notifying sub-grantees of the requirement to comply with Title VI and other applicable Federal, State, and City nondiscrimination mandates, including Language Access;
- Requiring that sub-grantees provide written affirmation of their compliance with all applicable Title VI and related nondiscrimination mandates and other provisions of written agreements with PAT, including Language Access; and
- Reviewing sub-grantees' Title VI and Language Access compliance activities, including complaint handling and resolution procedures and the handling of any complaints that alleged discrimination by sub-grantees.

# ATTACHMENT 1



## Applicable Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and 28 C.F.R. §42.101 et seq.): Prohibits discrimination on the basis of race, color, or national origin in Office of Justice Program (OJP) and Community Oriented Policing Services (COPS) funded programs or activities
- The Civil Rights Restoration Act of 1987 (P.L. 100-209): Clarifies that the scope and coverage of Title VI of the Civil Rights Act of 1964 includes all programs and activities of Federally assisted recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not
- Violence Against Women Act (VAWA) of 1994, as amended ([42 U.S.C. § 13925\(b\)\(13\)](#)): Prohibits discrimination on the basis of actual or perceived race, color, religion, national origin, sex, gender identify, sexual orientation or disability in programs authorized under VAWA
- Section 1407 of the Victims of Crime Act (VOCA) of 1984 ([42 U.S.C. § 10604](#)): Prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA-funded programs or activities.
- The Omnibus Crime Control and Safe Streets Act of 1968, as amended ([42 U.S.C. § 3789d](#) and [28 C.F.R. § 42.201 et seq.](#)): Prohibits discrimination on the basis of race, color, national origin, religion or sex in OJP, OVW and COPS Office funded programs or activities
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 and 28 C.F.R. § 42.501 et seq.): Prohibits discrimination on the basis of disability in OJP and COPS Office funded programs or activities
- Title II of the Americans with Disabilities Act of 1990 ([42 U.S.C. § 12132](#) and [28 C.F.R. Pt. 35](#)): Prohibits discrimination on the basis of disability in OJP or COPS Office funded programs or activities
- Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681](#) and [28 C.F.R. pt 54](#)): Prohibits discrimination on the basis of sex in OJP and COPS funded training or educational programs
- The Age Discrimination Act of 1975 ([42 U.S.C. § 6102](#) and [28 C.F.R. § 42.700 et seq.](#)): Prohibits services discrimination on the basis of age in OJP or COPS funded programs or activities
- Equal Treatment for Faith-Based Organizations (28 C.F.R. Part 38): Requires funding organizations to treat faith-based organizations (FBOs) the same as any other applicant or recipient of DOJ funding, neither favoring nor discriminating against FBOs in making and administering grant awards, and require that FBOs be allowed to retain their independence, autonomy, expression, and religious character when competing for DOJ financial assistance used to support social service programs and participating in the social service programs supported with DOJ financial assistance
- Hawai'i's Language Access Law (Revised Statutes § 321C): Requires that State agencies and entities that receive State funding for the purpose of providing services on behalf of the State establish a language access plan, and take reasonable steps to ensure that Limited English Proficient (LEP) individuals<sup>19</sup> have meaningful access<sup>20</sup> to services, programs, and activities.
- The City's Administrative Directive 420: Recognizes that Federal funding agencies may determine that the scope of a recipient's compliance responsibilities extends beyond the organization or component of the organization that receives Federal funding, and establishes the expectation that all City departments/agencies comply with Title VI requirements.

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<sup>19</sup> Limited English Proficient (LEP) individuals are persons who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English.

<sup>20</sup> Meaningful access is language assistance that results in accurate, timely, and effective communication, and provided at no cost no LEP individuals.

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# ATTACHMENT 2



**Title VI Complaint Form  
City & County of Honolulu  
Department of the Prosecuting Attorney**

This form is intended to assist individuals with the submittal of information concerning complaints under Title VI/related statutes, which prohibit individuals from being excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of race, color, national origin, sex, disability, or age, under any program or activity receiving Federal assistance.

- Complainants are not required to use this form; a letter that includes the same information is sufficient.
- Employees may use the internal complaint process for complaints filed under Title VI/related statutes.
- Individuals with disabilities or limited English proficiency may request, if needed, assistance with completing this complaint form and during the complaint process.
- Completed complaint forms/letters should be received by the Department of the Prosecuting Attorney within 60 days of the date of alleged discrimination, unless otherwise specified by applicable regulations issued by the respective Federal funding agency. Complaints received after 60 days will be reviewed to determine if further processing is appropriate.
- Complaints may also be filed with the U.S. Department of Justice, Office for Civil Rights; access complaint information and forms at <https://ojp.gov/about/ocr/complaint.htm/>.

<b>Name</b>	<b>Email address</b>	
<b>Mailing Address</b>	<b>Daytime Phone Number</b>	<b>Date</b>

**I believe that I experienced discrimination based on:**

<input type="checkbox"/> <b>Race</b>	<input type="checkbox"/> <b>Color</b>	<input type="checkbox"/> <b>National Origin</b>
<input type="checkbox"/> <b>Sex</b>	<input type="checkbox"/> <b>Disability</b>	<input type="checkbox"/> <b>Age</b>

➤ **NAME of the person, program, service, or activity that you believe discriminated against you:**

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➤ **WHEN did the alleged discrimination occur?**

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➤ **WHERE did the alleged discrimination occur?**

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➤ **EXPLAIN the events that have caused you to believe that you have experienced discrimination:**

You may use the reverse side of this form or attach additional sheet(s) to provide relevant information, if needed.

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➤ **WHAT RESOLUTION are you seeking?**

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<b>Complainant's Printed Name</b>	<b>Signature of Complainant/Representative</b>	<b>Date</b>
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- Submit the completed Title VI Complaint Form (or letter that includes the same information) to the Title VI Coordinator, Department of the Prosecuting Attorney, 1060 Richards St., Honolulu, HI 96813; OR
- Mail the completed Title VI Complaint Form/letter to the City's Equal Opportunity Office, 925 Dillingham Blvd., Suite 180, Honolulu, HI 96813, for referral to the Department of the Prosecuting Attorney for processing.