



Language Access Services

Complaint Procedures



Superior Court of California, County of San Bernardino

The following procedures have been adopted by the court in accordance with the California Rules of Court, Rule 2.851 (Language Access Services Complaints).

Summary

These procedures set forth how the court will receive and address court user complaints regarding language access. The Language Access Representative serves as a language access resource to court users and court staff, and receives and processes such complaints.

Procedures

A. Submission and referral of local language access complaints

The Language Access Services Complaint Form allows court users to submit language access complaints regarding court services that relate to staff or court interpreters, court staff or to local translations. The form is available in English and Spanish for free both in hard copy at the courthouse and online on the court's web page in fillable PDF format.

Language access complaints may be submitted orally or in other written formats. However, use of the court's local form is encouraged to ensure tracking and that complainants provide full information to the court.

Once a language access services complaint form has been completed, the form will be submitted or referred to the court as indicated below:

- (1) Court Services: Language access complaints regarding court services that relate to staff or court interpreters, or to local translations, should be submitted to the court at issue by turning in by hand, postal mail or emailing a filled out language access complaint form to the court's designated Language Access Representative, who will be given notice of the complaint and an opportunity to respond.
- (2) Anonymous complaints: Anonymous complaints may be submitted but will not receive acknowledgement of receipt or a notice of final action.
- (3) Complaints submitted to the wrong location: A complaint will not be dismissed because it was submitted to the improper entity. The receiving entity will immediately forward the complaint to the appropriate (to the extent it can be determined) court or Judicial Council for its review and resolution if contact information is not given.
- (4) If a complaint alleges action against a court employee that could lead to discipline, the court will process the complaint consistent with the court's applicable Memoranda of Understanding, personnel policies, and/or rules.

(5) Court user complaints regarding language access that relate to Judicial Council meetings, forms or other translated material hosted on www.courts.ca.gov, should be submitted directly to the Judicial Council at www.courts.ca.gov/languageaccess.htm.

B. Acknowledgment of complaint

Except where the complaint is submitted anonymously, within 30 days after the complaint is received, the court's Language Access Representative will send the complainant a written acknowledgment that the court has received the complaint. For non-complicated language access-related complaints that can be resolved quickly, a written response to complainant indicating that the complaint has been resolved will suffice as both acknowledgement of the complaint and notice of outcome. The court will maintain the privacy of individuals named in the complaint.

C. Preliminary review and disposition of complaints

Priority will be given to immediately address and respond to court user complaints regarding denial of a court interpreter for pending cases. Within 60 days, the court's Language Access Representative will conduct a preliminary review of all complaints to determine whether the complaint can be informally resolved or closed, or whether the complaint warrants additional investigation. Court user complaints regarding denial of a court interpreter for a courtroom proceeding for pending cases will be given priority.

D. Procedure for complaints not resolved through the preliminary review

If a complaint cannot be resolved through the preliminary review process within 60 days, the court's Language Access Representative will inform complainant that the complaint warrants additional review.

E. Notice of final action

(1) Within 60 days after receipt of the complaint, the court will send the complainant notice of the final action taken on complaints that can be resolved during the preliminary review period. The court will maintain the privacy of individuals named in the complaint.

(2) If the complaint was not closed during the preliminary review period, the court will send notice of the final action to the complainant upon completion of a review.

(3) For non-complicated language access-related complaints that can be resolved quickly, a written response to the complainant indicating the complaint has been resolved will suffice as both acknowledgement of the complaint and notice of outcome.

F. Dissatisfaction with outcome

If a complainant is dissatisfied with the final action taken on his or her complaint, within 90 days of the date the court sends notice, he or she may submit a written follow-up statement to the Language Access Representative indicating that he or she is dissatisfied with the outcome of the complaint. The follow-up statement should be brief, specify the basis of the disagreement, and describe the reasons the complainant believes the court's action lacks merit. For example, the statement should indicate why the complainant disagrees with the notice of outcome or believes that he or she did not receive an adequate explanation in the notice of outcome. The court's response to any follow-up statement submitted by

complainant after receipt of the notice of outcome will be the final action taken by the court on the complaint.

G. Promptness

The court will process complaints promptly.

H. Records of complaints

The court will maintain information about each complaint and its disposition to identify any history or patterns of complaints submitted under the California Rules of Court, Rule 2.851. The court will report to the Judicial Council on an annual basis the number and kinds of complaints received, the resolution status of all complaints and any additional information about complaints as requested by Judicial Council staff to facilitate the monitoring of the *Strategic Plan for Language Access in the California Courts*. Reporting to the Judicial Council regarding the overall numbers, kinds and disposition of language access-related complaints will not include the names of individuals or any other information that may compromise an individual's privacy concerns.

I. Complaints regarding court interpreters

Pending completion of the court interpreter review and/or disciplinary process being undertaken by the Judicial Council, the court will continue to handle court interpreter complaints under existing procedures and later as adopted pursuant to the rule. The court may consult the Judicial Council's Court Interpreters Program for guidance if a substantiated complaint rises to a level that may require corrective action, including revoking a court interpreter's status as a certified or registered interpreter.

J. Acceptance/translation of non-English complaints

As translation resources are available, the court may accept language access complaints written in the top five most common spoken languages in San Bernardino County. The court may also assist LEP individuals to complete and submit the court's language access complaint form in English using in-person or telephonic language access assistance.

K. Privacy and recordkeeping

The court will maintain the privacy of individuals named in complaints. Language access services complaints will not become part of case files. The Language Access Representative will maintain copies of language access services complaints to assist with any future reporting to the Judicial Council, or in case there are future follow-up questions regarding a particular language access services complaint.