

2015

LANGUAGE ASSISTANCE PLAN (LAP) for

Municipal Courts of King County:

**Black Diamond Municipal Court
Bothell Municipal Court
Des Moines Municipal Court
Enumclaw Municipal Court
Federal Way Municipal Court
Issaquah Municipal Court
Kent/Maple Valley Municipal Court
Kirkland Municipal Court
Lake Forest Park Municipal Court
Mercer Island Municipal Court
Pacific/Algona Municipal Court
Renton Municipal Court
SeaTac Municipal Court
Seattle Municipal Court
Tukwila Municipal Court**

MUNICIPAL COURTS OF KING COUNTY LANGUAGE ASSISTANCE PLAN (LAP)

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Municipal Courts of King County to provide services to Limited English Proficient (LEP), deaf or hearing impaired individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq.; and RCW 2.42 and 2.43. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP, deaf or hearing-impaired persons who come in contact with Municipal Courts of King County.

This LAP Plan was developed to insure equal access to court services for persons with limited English proficiency and deaf and hearing-impaired persons. Although deaf and hearing-impaired individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to RCW 2.42 and 2.43.

II. NEEDS ASSESSMENT

A. Statewide

Washington State provides court services to a wide range of persons, including people who do not speak English or who are deaf or hearing impaired. Service providers include the trial courts at the Superior, District and Municipal Court levels.

According to Washington State Administrative Office of the Courts, the most widely used languages in Washington State were (in descending order of frequency):

1. Spanish
2. Russian
3. Vietnamese
4. Korean
5. Chinese, Mandarin

B. Municipal Courts of King County

The Municipal Courts of King County will make every effort to provide interpreter service to all LEP, deaf and hearing-impaired persons. However, the following list shows the non-English languages that are most frequently used in the Municipal Courts of King County

- Spanish
- Vietnamese
- Russian
- Somali
- Korean

This information is based on data from the Municipal Courts Interpreter Services detailed billing reports.

The Municipal Courts of King County have identified the following additional frequently used non-English languages among court users in the area.

- Korean
- Cambodian
- Punjabi
- Cantonese
- Somali

This information is based on data from the Municipal Courts Interpreter Services detailed billing reports.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The use of court interpreters (both sign language and non-English spoken language) is guided by two state statutes – RCW 2.42 and 2.43, respectively.

It is the policy/law of Washington State to secure the constitutional rights of deaf

persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.42. It is also the policy/law of Washington State to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.43.

When a deaf or hearing impaired person is a party or witness at any stage of a judicial or quasi judicial proceeding in the state or political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings and any proceeding in which a deaf or hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter. See RCW 2.42.120(1). When a non English speaking person is a party to a legal proceeding or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified or registered by the Administrative Office of the Courts (AOC). See RCW 2.43.030(1)(b). If the current list of certified and registered interpreters maintained by AOC does not include an interpreter certified or registered in the language spoken by the non English speaking person, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2).

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Municipal Courts of King County will determine whether an LEP, deaf or hearing-impaired court customer needs an interpreter for a court hearing. First, the LEP, deaf or hearing-impaired person may request an interpreter. The Municipal Courts of King County displays a sign translated

into Washington State's six most frequently used languages that states: "*You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.*" The Municipal Courts of King County display these signs in our Courts' lobbies.

Court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding, or they think they have to pay for interpreter services which is not the case in the Municipal Courts of King County. Therefore, when it appears that an individual has any difficulty communicating, the court personnel or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court about an LEP, deaf or hearing-impaired individual's need for an interpreter for an upcoming court hearing. *With our current procedures, most courts are notified of the need for an interpreter by the Law Enforcement Officer (via the citation). We recognize that this is not always accurate. An individual may be able to understand the officer when a citation is being issued, but may need additional assistance with legal terms and procedures when they are in a courtroom environment. Other times we are notified by a friend or family member in court or via the telephone.*

***We distribute "I Speak" cards to our law enforcement agencies. We would suggest that AOC provide laminated copies of the "I Speak" cards to all law enforcement agencies on an annual basis.*

2. Court Interpreter Qualifications

The Municipal Courts of King County hire interpreters for courtroom hearings in compliance with the rules and policies set forth in RCW 2.42 and 2.43 as well as General Rule 11.0; 11.1; 11.2; and 11.3. The Washington State Court Interpreter Program maintains a statewide roster of Certified and Registered interpreters

who may work in the courts. This roster is available to court staff and the public at www.courts.wa.gov/programs&orgs. Certified and Registered interpreters on the roster have passed a written examination, oral examination, undergone a criminal background check, signed an oath and attended an orientation.

**We would like to suggest that all certified interpreters be required to wear the state issued certification badge to court.*

The court may appoint non-certified and non-registered interpreters who are not listed on the statewide roster only when certified and registered interpreters are unavailable. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are required to qualify the interpreter on the record.

**We recommend that AOC continues to include “interpreter qualification” training for the Judicial College and DMCJA education conferences. Although there have been improvements, it is our understanding that not all judges use the same criteria and process for qualifying non-certified interpreters. We further recommend continued training for judges, court administrators, interpreter coordinators, members of the state bar, Office of Public Defense, and pro tem judges in the requirements for interpreters as it relates to the ethical practices interpreters must follow.*

The Municipal Courts of King County may also use telephone interpreting for short non-evidentiary hearings if no interpreters are available in person pursuant to General Rule 11.3.

B. Spoken Language Services outside the Courtroom

The Municipal Courts of King County are also responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to services outside the courtroom. The following is a list of services the court provides to LEP customers outside of the courtroom:

- *Interviews for public defender eligibility*
- *Interviews for orders for protection*
- *TTY - * We would like to suggest that this type of service could be available for interpreter needs also.*
- *Letters/requests in other than English languages sent by mail*
- *Payments of fines/tickets*
- *Probation department (housed within and a part of the court)*
- *Electronic Home Monitoring*
- *Time Pay or Community Service desk*
- *Cashier or Collection agency windows*
- *Public Service Counter in person or over the phone (3-way conference call with interpreter)*
- *Day Reporting*
- *Community Resource Department*
- *Attorney Client interviews*
- *Mental Health Assessments*
- *Jail interviews*
- *Interactive telephone voice system offers an option for Spanish Speaking individuals*

When staff does not know what language a customer is speaking, they use “I Speak” cards which are available in sixty-three languages. To that end, the Municipal Courts of King County have the following resources to help LEP, deaf or hearing-impaired individuals, and court staff communicates with each other:

- *Some of our Municipal Courts have bilingual employees, or other City employees that may occasionally provide service in the customer’s language when an interpreter is not available;*

- *For face-to-face encounters, as well as telephone conversation, some of the Municipal Courts use the Language Line when interpreters are not immediately available.*
- *. Based on suggestions from our forum participants, we would like to suggest that the following phrase be added to the “I Speak” cards: **There is no interpreter available today. Your next court date is_____.***
- *In the Courts’ lobbies we have signs in the most frequently used languages stating, “Please let staff know if you need the services of an interpreter.”*

**We suggest that AOC provide these signs for all courts.*



- *In order to meet simple immediate communicative needs, court staff may use free online translating services. This will help in translating an English statement into a foreign language in written form.*
- *Some courts have the hearing impaired headphones for use in the courtrooms.*

**We would like to suggest that AOC provide Headphones for Hearing Impaired for all courtrooms.*

**We also suggest that AOC provide each court with an updated sign translated into Washington State’s most frequently used languages that states: “You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.” Our suggestion would be to provide a poster size sign for each courtroom and court lobby.*

C. Translated Forms & Documents

The Administrative Office of the Courts understands the importance of translating forms and documents so that LEP individuals have greater access to the courts’ services. The Municipal Courts of King County *plans to have some standard forms or flyers translated into the most frequently used languages for usage in all*

of our courts. Other court documents will be translated in generic form and then may be modified for each court (for example, Arraignments Rights, Guilty Plea, etc.)

- *The following forms have been translated into Spanish:*
 - ✓ *Advisement of Rights*
 - ✓ *Public Defender Application*
 - ✓ *Notification of Assignment of Public Defender*
 - ✓ *Time Pay Agreement*
 - ✓ *Signal Credit Application Packet*
 - ✓ *Back side of Traffic Infraction ticket*
 - ✓ *Deferred Finding on Traffic Infraction*
 - ✓ *Waiver of Speedy Trial*

Seattle Municipal Court has their forms translated in bilingual format (one paragraph in English and the following paragraph in the selected language, see attached samples). There is a great need to have all court provided forms translated in this same format. It would benefit defendants, judges, interpreters, court staff and attorneys.

****An alternative to printing numerous forms in numerous languages would be to use electronic forms. Our idea would be to provide monitors in the courtrooms for the attorneys and defendants to use with the assistance of the interpreter. These monitors would allow the party to select a form, then select a language, and the form would show up in that language. This will allow for all parties to view the form in their preferred language. After the form(s) have been reviewed, the defendant, attorney and even the judge could sign electronically. The form(s) would then be printed with all appropriate signatures in each party's preferred language.***

When interpreters are hired for hearings, they are also expected to provide sight translations for corresponding documentation to LEP individuals, as well as for deaf or hearing-impaired individuals when necessary.

IV. TRAINING

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP, deaf or hearing-impaired individuals. Training opportunities specifically provided in the Municipal Courts of King County include:

- *Some of our courts send staff to “Spanish for Court Employees” classes.*
- *Courts have staff meetings and training opportunities regarding interpreter issues and customer service at their annual staff retreats.*
- *Staff is instructed about LAP policies and procedures at orientation and on an annual basis, as described in this LAP Plan.*
- *Courts are encouraged to require front-line staff to annually review “Breaking Down the Language Barrier,” a video tool provided by the Department of Justice.*
- *We plan to continue to meet with community representatives to discuss ways to enhance court access to LEP individuals.*

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval & Notification

Municipal Courts of King County’s LAP Plan has been approved by all participating courts and a copy has been forwarded to Washington State’s Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the plan will be submitted to the court representatives for approval, and then forwarded to the Interpreter Program Coordinator. Copies of the LAP plan will be provided upon request. In addition, the Municipal Courts of King County are encouraged to post this plan on their individual court’s website, and request that AOC provides it on their websites.

B. Annual Evaluation of the LAP Plan

The Municipal Courts of King County will conduct an annual needs assessment to determine whether changes to the LAP plan are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods. We plan to continue to meet with community representatives to discuss ways to enhance court access to LEP individuals.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's website. Additionally, it will be posted on the AOC's public website.

Each year the statewide AOC Court Interpreter Program Coordinator will coordinate with designated local court staff to review the effectiveness of the LAP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP, deaf or hearing impaired persons requesting court interpreters in Washington State trial courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Gathering feedback from LEP, deaf and hearing-impaired communities around the state.

LAP Contact Persons

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The effective date of this LAP plan is January 1, 2015.