

Spokane County Superior and District Courts
Joint Language Assistance Plan (LAP)

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Spokane County Superior and District Courts to provide to Limited English Proficient (LEP) individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42et 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 persons who come in contact with Spokane County Superior and District Courts.

This LAP Plan was developed to ensure equal access to court services for persons with limited English proficiency and deaf and hearing impaired persons. Although deaf and hard of hearing 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 2000 U.S. Census data, the most widely used languages for interpreters in Washington State were (in descending order of frequency);

1. Spanish
2. Russian
3. Vietnamese
4. Chinese

B. Spokane County Superior and District Courts

Spokane County Superior and District Courts will make every effort to provide service to all deaf, hearing impaired and LEP persons. However,

the following list shows the foreign languages that are most frequently used in the area.

- Russian
- Spanish
- Marshallese

This information is based on:

- payment records of the Spokane Superior Court and Spokane County Prosecutor's Office;
- the 2006 District Court Annual Report;
- U.S. Census data;
- Dept. of Social and Health Services (DSHS) data on non-English speaking clients served;
- Data from the Superintendent of Public Instruction on non-English speaking students.

In compiling this information on local language needs, the following individuals and groups were consulted: Denny Shaw, Ronda Ingram, Katherine Carter, Bev Hannibal, Janelle Higgins and Greg Lundquist.

Spokane County Superior and District Courts have identified the following additional language assistance needs among court users in the area.

- Vietnamese
- Bosnian
- Chinese/Mandarin

This information is based on input from these same individuals and sources.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used in the Courtroom

The use of court interpreters (both sign language and non-English speaking) 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. It is also the policy/law of Washington State to secure the rights, constitutional or otherwise, of persons who, because of 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.

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 hard of hearing person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter. 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). 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.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Spokane County Superior and District Courts will determine whether an LEP court customer needs an interpreter for a court hearing. First, the LEP person may request an interpreter. The Spokane County Superior Court displays a sign translated into Spokane County's three most frequently used languages which states: *"Court Interpreter Services. If you need an interpreter, go to the Court Administrator's Office on the 3rd floor of the Courthouse Annex for assistance in obtaining an interpreter."* The Spokane County Superior Court displays these signs at the following locations: 1st, 3rd and 4th floors of the Courthouse and the 1st floor of the Courthouse Annex.

The Court has also caused signs to be placed in the 2nd and 3rd floor stairwells of the Courthouse Annex and in the Juvenile Court Building waiting room, which state: Spokane County Superior Court: Court

Interpreter Services”. These signs appear in English, Russian and Spanish.

Second, the Office of Pre-Trial Services interviews criminal defendants to determine eligibility for court-appointed counsel and to conduct a recognizance evaluation. During this interview, staff of the Office of Pre-Trial Services is able to determine those persons who need an interpreter or ASL assistance and appropriate personnel are subsequently notified.

Thirdly, 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. Therefore, when it appears that an individual has any difficulty communicating, the court administrator 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 individual’s need for an interpreter for an upcoming court hearing.

2. Court interpreter Qualifications

The Spokane County Superior and District Courts and our partners in the criminal justice system, including prosecutors, public defenders, pre-trial staff and probation officers assist in the coordination of interpreters for courtroom hearings in compliance with the rules and policies set forth by RCW 2.42 and 2.43 as well as General Rule 11.0; 11.1; 11.2; and 11.3. Spokane Superior Court has a designated case coordinator to facilitate this process, depending on the case type. Spokane District Court has designated the Judicial Operations Manager as the interpreter coordinator for all District Court cases. The Washington State 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.

Washington State currently certifies the following languages: Arabic, Cantonese, Korean, Laotian, Mandarin, Russian, Somali, Spanish and Vietnamese. Washington also offers testing in the Registered Category in the following languages: Afrikaans, Albanian, Amharic, Baluchi, Bengali, Bulgarian, Cebuano, Chavacano, Croatian, Czech, Dari, Dutch, Egyptian, Filipino, German, Hebrew, Hilgaynon, Hindi, Hmong, Ilonggo, Indonesian,

Italian, Japanese, Javanese, Khmer, Malay, Norwegian, Pashto, Persian, Farsi, Polish, Punjabi, Romanian, Serbian, Slovak, Swahili, Swedish, Tausug, Thai, Turkish, Urdu, and Visayan.

The court may appoint non-certified and non-registered interpreters who are not listed on the roster only when certified and registered interpreters are unavailable. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

The Spokane County Superior and District Courts may also use telephone interpreting if no interpreters are available in person pursuant to General Rule 11.3. Bilingual staff that is not on the statewide roster is never used to interpret in court. However, they may assist in securing an interpreter if necessary.

B. Spoken Language Services outside the Courtroom

The Spokane County Superior and District Courts are also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP individuals may come in contact with court personnel via the phone, counter or other means. To that end, the Spokane County Superior and District Courts have the following resources to help LEP individuals and court staff communicates with each other:

- Spokane Superior and District Courts utilize a District Court employee who is fluent in Russian for contacts outside of the courtroom, when she is available;
- For face-to-face encounters, as well as telephone conversations, the Spokane Superior and District Courts use the Language Line when interpreters are not immediately available;
- When court staff does not know what language a customer is speaking, they use "I Speak" cards which are available in thirty-eight languages.
- 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.

C. Translated Forms and 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. When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals.

IV TRAINING

Local courts are committed to providing LEP training opportunities for all judicial and court staff members who come in contact with LEP individuals. Training opportunities specifically provided in the Spokane County Superior and District Courts included:

- Staff is instructed about LEP policies and procedures, as described in this LEP Plan, on an annual basis;
- Front-line staff is required to annually review "Breaking Down the Language Barrier," a video training tool provided by the Department of Justice;
- Cultural specific training will be provided by local agencies, as available;

V PUBLIC NOTIFICATION AND EVALUATION OF LEP/LAP PLAN

A. Translated Forms and Documents

Spokane County Superior and District Courts' LEP/LAP Plan has been approved by their respective Court Administrators 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 Administrators for approval, and then forwarded to the Program Coordinator. Copies of Spokane County Superior and District Courts' LEP/LAP plan will be provided upon request. In addition, Spokane County Superior and District Courts will post this plan on AOC's website.

B. Annual Evaluation of the LEP/LAP Plan

The Spokane County Superior and District Courts will conduct an annual needs assessment to determine whether changes to the LEP/LAP plan are required. This assessment may be done by tracking the number of interpreters requested by language in the courts, and by other methods.

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 web site. Additionally, it will be posted on the Supreme Court'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 LEP/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 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 LEP policies and procedures and how to carry them out; and,
- Gathering feedback from LEP communities around the state.

LEP/LAP Contact Person

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The effective date of this LEP/LAP plan is September 1, 2007.