

PIERCE COUNTY LANGUAGE ASSISTANCE PLAN SUPERIOR, DISTRICT AND JUVENILE COURTS

I. LEGAL BASIS AND PURPOSE

The following plan is submitted on behalf of all county funded and operated courts within the geographic boundaries of Pierce County. The courts include all divisions of Superior, District and Juvenile Courts and they shall be hereinafter referred to as the “Pierce County Courts”. The Pierce County Courts operate a single centralized interpreter services office that serves all of the county courts, this office shall hereinafter be referred to as “Pierce County Interpreter Services”.

This document serves as the plan for Pierce County Courts 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.; Federal Executive Order 13166 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 the Pierce County Courts.

This Language Assistance Plan (LAP) was developed to ensure equal access to court services for persons with limited English proficiency and deaf and hearing impaired persons. Deaf and hearing impaired individuals are included in this plan insofar as they are covered under the Americans with Disabilities Act (ADA) as well as Title VI of the Civil Rights Act.

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. Pierce County Courts

Pierce County Courts will make every effort to provide service to all LEP, deaf and hearing impaired persons. The following list shows the non-English languages that are most frequently used in Pierce County (in descending order of frequency), these seven languages account for more than 90% of the total interpreter services requests in Pierce County Courts:

1. Spanish
2. Russian
3. American Sign Language
4. Korean
5. Cambodian (Khmer)
6. Vietnamese
7. Samoan

This information is based on data from our courts experience with LEP, deaf and hearing impaired persons as documented in the countywide Legal Information Network Exchange (LINX) system and internal computerized interpreter request logs and billing records maintained by the Pierce County Interpreter Services office.

In compiling this information on local language needs, the following individuals and groups were consulted: Superior, district and juvenile court judges, court commissioners and court staff; interpreters who work in our courts, public and private attorneys who practice in our courts, members of the community which included representatives of our local domestic violence organizations, Tacoma/Pierce County Bar Association Pro-Bono Program, Pierce County courthouse facilitators, Northwest Justice Project, Centro Latino, ASL Professionals (a local sign language consortium), persons from community cultural groups representing Hispanic, Korean, Indo-Chinese, Russian, Cambodian and Vietnamese ethnicities.

Pierce County Courts identified the following additional language assistance needs among court users in the county at the time we adopted this plan in 2007. Current 2011 information showing the progress made since 2007 are included as **bolded updates**:

1. Additional access for paid non-criminal interpreter services (Civil and Family Law cases and county governmental administrative hearings). **(Update: This is now being addressed under Title VI of the Civil Rights Act of 1964, in compliance with Federal Executive Order 13166 and interpreters are being provided in all court hearings whether criminal or civil in nature).**
2. Additional recruitment and training of certified interpreters to handle the increasing demand. **(Update: AOC has expanded the number of registered and certified interpreters. Pierce County Courts have also recruited a number of qualified**

interpreters in the more rare and less frequently used languages. The database listing for certified, registered and qualified interpreters has been expanded significantly by our Interpreter Services Office and is one of the most extensive in the State of Washington).

3. Provision of interpreters for, or bi-lingual offerings of, mandatory divorce or parenting seminars, counseling and treatment services, AA/NA meetings, etc. **(Update: This is now being addressed under Title VI of the Civil Rights Act of 1964, in compliance with Federal Executive Order 13166 and interpreters are being provided for in all court ordered treatment, seminars or classes).**
4. Additional translated signage and legal forms. **(Update: There are increased numbers of translated signage and legal forms available in Pierce County Courts, most of these are in the Spanish language but some are also translated in other frequently used languages).**
5. Need a Bi-Lingual phone tree. **(Update: The language line is now being used more extensively in Pierce County outside of actual in-court hearings).**
6. More ASL Professionals are needed. Video Relay Services (VRS) are going to decrease the available numbers and potentially create a national shortage. **(Update: Our Interpreter Services Office has recruited and placed under contract a number of certified ASL Interpreters to meet the needs of Pierce County Courts.**
7. Additional consumer information and education about interpreter services. **(Update: Our Language Assistance Plan has been placed on our website).**
8. Adoption of model policies and procedures (Local Court Rules?). **(Update: Our civil court interpreter policy has been updated to comply with Federal Executive Order 13166 and Title VI of the Civil Rights Act of 1964.**
9. Technology upgrades to better serve our consumers and to keep better data. **(Update: Our Interpreter Services Office has upgraded our calendars to electronic calendars and spreadsheets, from the old hand written notebooks, and our database has been upgraded to keep more accurate and extensive data for our recordkeeping).**

This information was based on input from a community meeting held on September 6, 2007. In compiling this information on local language needs the aforementioned individuals and groups were consulted, as well as the participants in the community meeting which included representation from Superior, District and Juvenile Courts, Tacoma Municipal Court, Pierce County Interpreter Services, Certified Interpreters, YWCA Legal Services and Domestic Violence Program, Department of Assigned Counsel, Pierce County Clerks Office Courthouse Facilitator Program, Centro Latino and the Northwest Justice Project. **(See community meeting minutes in appendices).**

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 and by Title VI of the Civil Rights Act of 1964, per Federal Executive Order 13166.

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 of the Pierce County Courts 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 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 a 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 or 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 the Pierce County Courts 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. As soon as AOC makes them available, the Pierce County Courts plan on displaying signs translated into Washington State’s six most frequently used languages stating “You may have the right to a court-

appointed interpreter in a court case. Please ask someone at the court information desk”.(Note: Pierce County Courts may modify these signs to direct people to the Pierce County Interpreter Services Office, instead of the court information desk). In addition Pierce County Courts will ensure that our county’s most frequently used languages are included in this signage (This would add Korean and Cambodian signage to the six provided by AOC). The Pierce County Courts will display these signs at the following locations:

- 1) 1st and 2nd floor public entrances to the County-City Courthouse Building.
- 2) Public entrances to Remann Hall Juvenile Center.
- 3) Court administrative reception office windows for Superior, District and Juvenile Courts.
- 4) Pierce County Interpreter Services Office.

Second, 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, court administrator’s designee, judge or court commissioner 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. Pierce County Interpreter Services has a contact protocol that is distributed to all outside agencies who may need to request an interpreter or may need to refer an LEP, deaf or hearing impaired individual for services. The Pierce County Interpreter Services office has a dedicated phone line with after hours messaging, a dedicated e-mail address, a dedicated fax line and dedicated mailbox in the court mailroom. The Interpreter Coordinator for the Pierce County Interpreter Services Office is a qualified court interpreter. Staff from the following agencies in Pierce County have received training on the protocol for conveying a notice of need for interpreter to the Pierce County Interpreter Services Office (See document in appendices section): Superior, District and Juvenile Courts, Pierce County Sheriff’s Office, Tacoma Police Department, Pierce County Jail, District and Juvenile Court Probation Services, Pierce County Juvenile Detention Center, Local Office of Department of Corrections, Local Office of DSHS/Division of Children and Family Services, Department of Assigned Counsel, Prosecuting Attorney’s Office, Attorney General’s Office, YWCA legal services, Northwest Justice Project, Tacoma/Pierce County Bar Association Pro-Bono Legal Services, Pierce County Clerks Office, Pre-Trial Services Office, as well as the majority of private attorney’s practicing in Pierce County.

2. Court Interpreter Qualifications

Pierce County Courts 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 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, Vietnamese and French. Washington State also offers testing in the Registered Category in the following languages: Afrikaans, Akantwi, Albanian, Amharic, Azerbaijani, Bengali, Bulgarian, Burmese, Cebuano, Chavacano, Czech, Dari, Dutch, Farsi, German, Gujarati, Haitian Creole, Hausa, Hebrew, Hindi, Hmong, Hungarian, Igbo, Indonesian, Japanese, Kurdish-Kurmanji, Malay, Nepali Norwegian, Polish, Portugese, Punjabi, Romanian, Samoan, Sindhi, Sinhalese, Slovak, Swahili, Tagalog, Tajik, Tamil, Tausug, Telugu, Thai, Turkish, Turkmen, Ukranian, Urdu, Wu and Yoruba.

American Sign Language (ASL) interpreters are certified by national organizations including the Registry of Interpreters for the Deaf (RID). ASL interpreters are not certified specifically for court interpreting, but certification (RID: SC: L – Specialist Certificate: Legal) is available for interpreting in legal situations.

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 encouraged to inquire into the interpreters skills, professional experience and potential conflicts of interest.

The Pierce County Courts may also use telephone interpreting if no interpreters are available in person pursuant to General Rule 11.3. Bilingual staff who are not on the statewide roster are only used to interpret in court if interpreters on the roster are unavailable and they may assist in securing an interpreter when necessary.

B. Spoken Language Services outside The Courtroom

The Pierce County Courts are also responsible for taking reasonable steps to ensure that LEP, deaf and hearing impaired 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 the LEP, deaf or hearing impaired individuals without an interpreter. LEP, deaf or hearing impaired individuals may come in contact with court personnel via the phone, TTY/TDD, counter or other means, such as letters or requests sent by mail, interviews for public defender eligibility or protection orders, courthouse facilitator assistance with pro-se paperwork, law library or other county agency site visits, etc. To that end the Pierce County Courts have the following resources to help LEP, deaf or hearing impaired individuals and court staff communicate with each other:

1. Pierce County Superior Court employs one bilingual (English/Spanish) employee, District Court Probation has a bilingual (English/Spanish) employee and Juvenile Court has several staff who are conversant in Spanish. When Spanish speaking LEP customers seek our assistance outside the courtroom or on the telephone, we first try to meet their needs by using the language skills of our employees.
2. For “face to face” encounters as well as telephone conversations, in languages other than Spanish, the staff of Pierce County Courts may use the language line when interpreters are not immediately available.
3. When court staff do not know what language a customer is speaking, they use “I Speak” cards, which are available in thirty eight languages.
4. In order to meet simple immediate communicative needs, court staff may use free online translating services, which can help with simple sentence translations of 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. The Pierce County Courts currently have criminal court forms translated as follows:

1. Advice of Rights, Statement of Defendant on Plea of Guilty, Scheduling Orders and Waiver of Speedy Trial forms have been translated into Spanish.
2. Advice of Rights forms have also been translated into Korean, Cambodian (Khmer), Russian and Vietnamese.
3. A goal for Pierce County Courts are to provide translations of all forms currently in Spanish, into Korean, Cambodian (Khmer), Russian and Vietnamese, and then expand the number of court forms that are translated to include all criminal and selected civil forms.

When interpreters are hired for hearings, they are 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 and hearing impaired individuals. Training opportunities specifically provided in the Pierce County Courts include:

1. Our retired staff interpreter coordinator is an instructor at the Judicial College, where she provides training on Interpreter Issues, Usage and Ethics. All of our new Judges and Court Commissioners are required to attend.
2. Our coordinator provides an orientation session to all newly elected or appointed judicial officers in the Pierce County Courts.

3. Interpreter training sessions are provided as needed to Pierce County Court staff. If immediate issues or new developments regarding interpreter services come up they are placed on the agenda and handled at our monthly “all hands” staff meeting.
4. When needed our interpreter coordinator is available to provide group or individual information and training sessions to employees of both court and non-court agencies.

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval and Notification

Pierce County Court’s LAP Plan has been approved by our Court Administrator 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 Administrator for approval, then forwarded to the Interpreter Program Coordinator. Copies of Pierce County Court’s LAP Plan will be provided upon request. In addition, Pierce County Courts will post this plan on its own and AOC’s websites.

B. Annual Evaluation of the LAP Plan

The Pierce County Courts 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, such as follow up community meetings.

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 actions 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 the original LAP plan was 09-30-07.

This updated plan is effective as of April, 2011.