

2023 - 2024

LANGUAGE ASSISTANCE PLAN (LAP) for
KING COUNTY MUNICIPAL COURTS

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

Renton Municipal Court

SeaTac/Port of Seattle Municipal Court

Seattle Municipal Court

Tukwila Municipal Court

Language Access Plan of *King County Municipal Courts*

I. PURPOSE

This LAP sets forth the **King County Municipal Courts** policy and basic procedures for the provision of timely language access services that ensure access for all limited English proficient (LEP), deaf, hard of hearing, and deaf-blind (Deaf/Hard of Hearing/Deaf Blind) individuals who come in contact with King County Municipal Courts services and programs. Language access services include both interpretation and translation services for LEP and DHH/DB individuals.

II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES

Under Washington state law (RCW 2.42 and 2.43), Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Americans with Disabilities Act (ADA), and the regulations implementing these federal laws, Washington courts are required to provide language access services to all LEP and DHH/DB individuals in civil and criminal court proceedings and in all court managed services and programs and to develop a written language access plan pursuant to RCW 2.43.090.

It is the policy of **King County Municipal Courts** to provide non-English language interpreter services at no cost to LEP parties, witnesses, victims, and others with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. It is also the policy of this court to provide sign language interpreting services at no cost to persons who are DHH/DB as required under applicable state and federal statutes and regulations.

King County Municipal Courts will provide accessible information to LEP and DHH/DB persons on how to request interpreter services as part of its notice to the public about its language access services.

Although DHH/DB individuals are covered under the ADA and RCW 2.42 rather than Title VI and the Safe Streets Act, this plan covers language access services for both DHH/DB and LEP individuals.

III. DATA COLLECTION AND NEEDS ASSESSMENT

The **designated language access persons** for **King County Municipal Courts** will, on an annual basis, compile demographic data regarding the language needs of its community. The court will initially review data from sources such as the following:

- Most recent and relevant U.S. Census and American Community Survey (ACS)
- Washington State AOC – Language Access Interpreter Reimbursement Division (LAIRP)
- Local school district
- County health department
- Public Defender’s Office/Office of Assigned Counsel
- Prosecuting Attorney’s Office
- County or City Attorney’s Office
- Local legal aid service providers and community-based organizations which focus their service provision on immigrant and refugee populations in order to identify possible immigration and new language trends

This data will be analyzed annually to determine whether the court’s allocation of language access resources is appropriate.

The King County Municipal Courts will make every effort to track requests for language access services by:

- Language preference (both spoken, written, and signed)
- Case type (e.g. , criminal, civil, etc.)
- Proceeding type (e.g. trials, arraignments, pre-trials, motions, mitigation, contested, etc.)
- Location of service request (e.g. court hearing, clerk’s office, probation etc.)
- Whether the language access service requested was granted or denied
- Reason for denial

In addition to the mechanisms discussed under the identification of language needs section below, the **King County Municipal Courts** will track this internal data in a case management system where available, and/or case files if case management is not automated or via the AOC LAIRP. On a yearly basis, the court will analyze the data collected to identify whether services requested are in fact provided, assist in the allocation of language access resources, and identify gaps in the provision of services to address future needs. The majority of the King County Municipal Courts provide this data to AOC on a regular basis as part of the reimbursement program. The few courts that are not a part of the reimbursement program will seek assistance from AOC Interpreter Coordinator Office for direction and assistance in tracking their data.

The **King County Municipal Courts** will send the final data compilation and analyses in the form of a biennial report to the Washington State Court Interpreter Commission to assist the Commission in monitoring of the court’s Language Access Plan, identification of interpreter training and certification strategies, and

other tools to assist the AOC and local courts in the provision of language access services.

A. Identified Current Needs

The most current language need identification efforts undertaken by **King County Municipal Courts** shows the following non-English languages, whether spoken or signed, that are most frequently used in our **geographic area**:

- Spanish
- Vietnamese
- Somali
- Amharic
- Mandarin
- Korean
- Russian

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

- Punjabi
- Cantonese
- Arabic
- Tigrinya
- Marshallese
- Samoan
- Swahili
- Khmer (Cambodian)

B. Identified Future Needs (if any)

King County Municipal Courts have identified the following emerging and/or additional languages among court users in the area for which resources will be needed in the future:

1. *Currently challenging languages to schedule are Korean and Samoan. This is due to the inadequate number of Court Credentialled Interpreters in these languages. Urgent action on behalf of AOC is necessary to identify candidates and provide language specific training in preparation for taking the certification exam. Also, action is required in adding interpreters in Khmer, Vietnamese, Somali and Laotian and other non-court credentialled languages, such as Nuer.*
2. *ASL is the other extremely difficult language to schedule for in-court proceedings, as there are only very few ASL interpreters qualified to interpret legal content.*

3. Registered interpreters are not trained or tested in different interpreting modes. For that reason, not all Court Registered Interpreters can provide simultaneous interpretation in court. We suggest all Court Registered Interpreters undergo additional training, for example, the "Advanced Skills for Court Interpreters training" (see Seattle Municipal Court Interpreter Program).
4. In the event a Washington State AOC credentialed interpreter is not available, we request the ability to use court interpreters who have court credentials in other states and to be reimbursed through the interpreter program. This will expand the interpreter pool and allow courts to continue to improve access to justice for all non-English court customers.

IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES

A. Designated Language Access Office [or other name given by your court] [REDACTED]

The **King County Municipal Courts** have designated [REDACTED] as the person responsible for coordinating language access services and to whom requests for interpreters and other language access services may be addressed. This designated person is available to:

- Develop lists of interpreters and secure interpreter services;
- Receive and track language assistance requests;
- Address gaps in interpreter services by conducting outreach as needed;
- Provide information to assist LEP and D/HH/DB individuals to secure language access services;
- Assist or provide referrals to attorneys, justice partners, probation, EHM, doctors doing psychological evaluations, customer services, in-house classes' providers, day reporting, jury (for D/HH/DB individuals), court staff, and other relevant persons to secure language access services for their clients and constituents.
- Answer questions from LEP and D/HH/DB individuals, and the public at large, regarding the court's available language access services, including the court's language access resources such as translated materials, interpreter roster, language identification cards, and other resources identified in this Plan.
- LEP and D/HH/DB individuals, attorneys, justice partners, government agencies, and any other entities in need of language access services for court programs or activities or to acquire such services or information for themselves or their clients, may contact:

designated language access persons [REDACTED]

B. Identification of Language Access Needs and Notice of Availability

LEP and D/HH/DB individuals may come in contact with court personnel via the phone, TTY (Teletypewriter) / TDD (Telecommunication Device for the Deaf), in-person, in writing, or through other means. In addition, there are various points of contact within **King County Municipal Courts** where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services will not request these services because they do not realize that such services are available at no charge, or because they do not recognize the level of English language proficiency or communication ability needed to effectively participate in the court program, court proceeding, or court services. The first step in providing language access services is to enable LEP individuals or persons who are D/HH/DB to properly identify their language needs.

As a first step towards ensuring that LEP and D/HH/DB individuals are able to properly identify their language needs and to request language access and assistance services, **King County Municipal Courts** have a legal obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services to access court proceedings and court-managed programs.

1. Identifying Language Needs at Points of Access

King County Municipal Courts will identify language access needs at all points of contact with the court. The following are examples of some of the access points in our courts [REDACTED for court locations]:

- Telephone calls to court staff.
- Security screening at courthouse entrances (where applicable)
- Court Front Counters
- Jury Offices
- Court Records Office
- Cashier Offices
- Courtroom(s)
- Court-managed programs and services including Probation or Support Services.
- Remote hearings (video or telephonic)

Other Courthouse signage. To ensure the earliest possible identification of the need for language access services, the **King County Municipal Courts** have established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While justice partners themselves may be under a separate legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so services may be provided in a timely and efficient

manner. Examples of persons and justice partners notifying the court of the language access needs include:

- LEP or D/HH/DB person notifies the court of the language access needs
- Law enforcement officer (via citation)
- Correctional Facilities personnel
- Attorney/public defender for LEP or D/HH/DB person
- Domestic violence victim's advocate
- Judges, court personnel
- Interviewer for public defender eligibility
- Probation department and or Support services
- Court social workers
- Customer Service personnel, receiving requests via phone or in person
- Interviewer for orders for protection

2. Notice of the Availability of Language Access Services

In order to facilitate the ability of LEP and D/HH/DB individuals to request their need for language access services, the **King County Municipal Courts** shall provide notice of the availability of language access services translated into Washington State's most frequently used languages that states:

"You have the right to language access services at no cost to you. To request these services, please contact the court for assistance".

The **King County Municipal Courts** display this notice on its websites [REDACTED] and at the following locations: our Court lobbies, and/or courtrooms.

Additionally, **King County Municipal Courts** have the following resources available at its points of contact, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other [Check all that apply or delete those that are not relevant to your court]:

- Language identification 'I Speak' cards at appropriate points of contact.
- We ask AOC to develop an electronic version of the 'I Speak' card and also of a Poster to make sure any court employee can easily find it online. Examples, a map of the world so that the person can point to their country.
- Multi-lingual notices at appropriate points of contact notifying members of the public of their right to request an interpreter or other language assistance at any point during their contact with the court.
- TTY for D/HH court customers
- LAP posted on court's website.

When it appears that an individual has difficulty communicating due to a language barrier, **King County Municipal Courts** staff will inform the LEP or D/HH/DB person of his or her right to have language access services provided by the courts at no cost to them, even if the LEP or D/HH/DB person has not made a request for the language access services.

V. LANGUAGE ACCESS SERVICES

Once the **King County Municipal Courts** staff has determined interpreter services are required for an LEP or D/HH/DB individual, court staff have access to the following procedures for securing an interpreter. The general procedure for the **King County Municipal Courts** are as follows:

Once the court is notified that an interpreter is needed:

- Notification is sent to the Interpreter Coordinator
- Interpreter Coordinator makes the necessary arrangements to secure a certified or registered (when available) interpreter as requested.
- Some courts use agencies, other courts use an online scheduling system (1Lingua), while others use a more traditional way of contacting interpreters for requested services (phone call, email, text message).
- When the interpreter is confirmed, the court is notified.

A. Language Access Services Inside the Court Room (in person or remotely)

1. Appointment of a Certified, Registered, or Non-Credentialed Interpreter for In Court Proceedings (in person or remotely)

The person responsible for appointing or securing the assistance of an interpreter at the **King County Municipal Courts** will comply with the following order of preference in appointing an interpreter in RCW 2.43.

Credentialed (certified or registered by AOC) are to be appointed, whenever possible. The person, securing services of an interpreter, should indicate for the court the reason a non-credentialed interpreter has been retained, for example, no credentialed interpreter is reasonably available or there is no credentialed interpreter in the language spoken by LEP person.

If a non-credentialed interpreter is appointed, the judge is required to find and note on the record 'good cause'. See Bench Card.

In the event no local interpreter (in-person or remote) is available, the court or designated authority will weigh the need for moving forward with the proceeding against any possible negative consequences to the LEP or D/HH/DB person's ability to effectively participate in the proceedings through the use of an interpreter, as may be allowed in accordance with GR11.3.

King County Municipal Courts will NOT appoint to interpret anyone with a potential conflict of interest in the case, including the following: minors; friends and family of the LEP or D/HH/DB person; advocates and attorneys; justice partner bilingual staff; or anyone deemed unqualified after Voir dire by the court. [See CODE OF PROFESSIONAL RESPONSIBILITY FOR JUDICIARY INTERPRETERS]

2. Practices in the Appointment and Use of Interpreters

In appointing interpreters, staff at **King County Municipal Courts**, will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of **King County Municipal Courts** to:

- Make a determination of the appropriate number of interpreters that may be required for the proceeding pursuant GR 11.4. When the proper administration of justice so requires the court will appoint multiple interpreters.
- Appoint a team of two interpreters for trials and proceedings over 2 hours (GR 11.4). This will ensure a higher level of accuracy and eliminate the need for frequent breaks. On rare occasions, when only one interpreter is available, the court will need to recess for 10 minutes after every 20 minutes. This will allow the interpreter to have frequent breaks to avoid interpreting fatigue, ensure accuracy, and avoid subsequent errors.
- Allow the LEP or D/HH/DB person to waive their right to the assistance of an interpreter only if the waiver is knowing, voluntary, and on the record. The waiver of an interpreter may be rejected by the court or later revoked by the person at any time.
- Require interpreters to provide sight translations of documents related to the court proceedings (not on the record).
- Prohibit interpreters from assisting LEP or D/HH/DB with entering information on court forms without the involvement of the attorney of record for represented clients or court staff for the non-represented clients in the completion of such forms.
- Assign sign language interpreters for jurors who are D/HH/DB when such persons are called and selected for jury service.

3. Calendaring and Scheduling of Interpreters for In-court and Out-of-court proceedings or encounters.

King County Municipal Courts will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, **King County Municipal Courts** employ the following practices:

- Batching of matters for which an interpreter for a specific language is needed so long as this does not cause unnecessary delays in access and loss of remedies available to litigants, such as mitigation hearings in frequently requested languages.
- Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day.
- Coordinating the use of interpreters so that when an interpreter is not busy in a courtroom proceeding, he or she may be available in person or via remote interpreting technology.

4. Remote Interpreting

For hearings, the **King County Municipal Courts** use the following remote interpreting technologies:

- Video-remote interpreting (VRI)
- Telephonic interpreting

Use telephonic interpreting agencies only for out of court matters, e.g., for customer service. Assign credentialed interpreters for in-court proceedings when using remote interpreting.

Remote interpreting services will be provided consistent with GR11.3.

VRI will be used appropriately and will meet the requirements for providing effective communication, including:

- Real-time, full-motion video and audio
- A clear, large image
- A clear transmission of voices
- Adequate training of staff in utilizing the equipment
- Have an IT person to monitor VRI session
- Adequate training of interpreters.

Remote interpreting can be problematic in some circumstances such as for individuals who are deaf or hard of hearing, the elderly, those struggling with mental illness, and others.

The court requires training for staff and appointing authorities on VRI and telephonic interpreting, how to use the technologies, how to follow best practices on remote interpreting, and what are appropriate events for such types of remote interpreting service.

B. Language Services Outside the Courtroom

The **King County Municipal Courts** are responsible for taking reasonable steps to ensure that LEP, deaf and hard-of-hearing individuals have meaningful access to services outside the courtroom. It is the practice of the court to provide interpreters for court-managed services, programs and operations consistent with state and federal language access mandates. In compliance with such mandates, the court shall provide language access services at:

- Attorney Client interviews
- Investigator Witness interviews
- Criminal diversion programs
- Information counters
- Intake or filing offices
- Court managed classes
- Probation and or support services offices
- Records rooms
- Interviews for public defender eligibility
- Interviews for orders for protection
- TTY
- Translation of Letters/requests in other than English languages
- Payments of fines/tickets
- Probation and or support services interviews (housed within and a part of the court)
- Time Pay or Community Service desk
- Electronic Home Monitoring
- Cashier or Collection agency windows
- Public Service Counter in person or over the phone
- Day Reporting
- Community Resource Services
- Mental Health Assessments

The court, in compliance with federal and state civil rights laws and regulations, shall provide the most appropriate language access service for these programs and services, including: assigning interpreters, bilingual staff, and providing translated materials and information. When the most appropriate language access service is the appointment of an interpreter, the court shall follow the guidelines described for the appointment of interpreters.

RCW 2.42 requires that courts provide interpreters for persons who are D/HH/DB when they are required to attend court ordered programs or services. In addition to the provision of interpreters in all proceedings where required, court's bilingual staff may assist outside of court proceedings in the language of the LEP person. Bilingual staff shall be trained to understand their role and how it differs from the role of an interpreter. Bilingual staff could be utilized for communications for court matters outside of court proceedings.

C. Translated Forms and Documents

The **King County Municipal Courts** understand the importance of translating forms, documents, and electronic materials into non-English languages, so that LEP individuals have greater access to the courts' services. Judicial and court staff shall not use web-based applications or software to process or provide translations for LEP individuals, as this method can provide inaccurate or incorrect translations.

State forms which have been translated are available at www.courts.wa.gov/forms.

Additional informational resources translated into Spanish include:

- A Guide to Washington State Courts / Guía de los tribunales del estado de Washington
- Self-Represented Persons in District Court / Personas que se representan a sí mismas en el Tribunal del Distrito
- Self-Represented Persons in Municipal Court / Personas que se auto representan en los Tribunales Municipales
- Self-Represented Persons in Superior Court Civil Proceedings / Personas que se auto representan en procedimientos civiles en el Tribunal Superior
- An Introduction to Small Claims Court / Introducción al Juzgado de demandas de menor cuantía

Some of the King County Municipal Courts currently offer the following forms translated into Spanish:

- Advisement of Rights
- Public Defender Application
- Notification of Assignment of Public Defender
- Time Pay Agreement
- Back side of Traffic Infraction ticket
- Deferred Finding on Traffic Infraction
- Waiver of Speedy Trial
- Notice of court date
- Time Payment letter
- Probation Department forms

- Probation Offender Tracking (POT) IVR System in Spanish
- Web hosted payment system
- DUI Court program

The court shall make available such forms at appropriate locations in its court system and on the court's website.

D. Providing Emergency Information to LEP Court Customers

The **King County Municipal Courts** are responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to emergency information should an emergency arise. The court provides such information in the following ways:

- Universally understood emergency signs located in the strategic places throughout the courthouse building
- Clearly marked emergency exits
- Evacuation map(s) that are located in visible public area points
- Bilingual staff that is informed and trained to provide emergency information
- In some courts the emergency evacuation announcement is in 2 languages: English and Spanish

VI. TRAINING

The **King County Municipal Courts** are committed to providing training for all judicial and court staff who come in contact with LEP and D/HH/DB individuals in order to ensure equal access to justice. The court will provide staff training on all requirements in this Language Access Plan. Additional training opportunities will include these topics:

- Proper appointment and scheduling of interpreters for all court proceedings and court-managed programs and services.
- Bench Card on Interpreting for Judges and Magistrates.
- Role of an interpreter, modes of interpreting, and Code of Professional Responsibility for Judiciary Interpreters.
- Courtroom management when interpreters work in the courtroom.
- Best practices of remote interpreting.
- Courts staff meetings and training opportunities regarding interpreter issues and customer service.
- Staff instruction regarding LAP policies and procedures during orientation and on an annual basis, as described in this LAP Plan.
- Training for attorneys, administrators and judges regarding best practices of working with court interpreters.

King County Municipal Courts request the Interpreter Commission develop webinars for court administrators/court interpreter coordinators on best practices of working with and appointing court interpreters. It takes sometimes years for such a person to develop much needed understanding, tools and procedures for scheduling court interpreters.

Resources and information regarding language access services, policies and procedures and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers at one or more of the following locations in our courts:

- The court's intranet;
- The court's Language Access Coordinator/Interpreter Coordinator [REDACTED];

VII. COMPLAINT PROCESS FOR NON-COMPLIANCE

1. Complaints Against Local Court

This specific complaint process is designed to bring to the attention of the local court, and if necessary, the Interpreter Commission, allegations filed by LEP or D/HH/DB parties that the local court is out of compliance with its own Language Access Plan, any applicable federal statutes or regulations, state statutory provisions, such as RCW 2.42 or 2.43 and/or any applicable state or local court rules. This is an informal process whereby the Interpreter Commission may be involved in providing consultation and guidance to LEP parties and local courts in resolving and removing barriers to language access services and resources.

LEP and D/HH/DB individuals are encouraged to first file a complaint with the local court using local court customer complaint filing procedures. The local court complaint rules are as follows:

A. Local Court Complaint Process

1. The complaint is submitted to the administrator or interpreter coordinator in person or in writing in LEP person's language for consideration in accordance with local court-complaint process.
2. The Court will respond to the complaint within 5 business days.

B. Complaints may also be filed with the Interpreter Commission should be sent to:

Washington State Interpreter Commission
c/o Interpreter Commission Staff Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170.
Or by contacting James Wells at 360-350-5373 by telephone or via email to james.wells@courts.wa.gov

VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval & Notification

King County Municipal Courts LAP has been approved by the *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 are to be approved by the *Court Administrator/Court Interpreter Coordinator*, and then forwarded to the Interpreter Program Coordinator. Copies of **King County Municipal Courts** LAP shall be provided upon request. In addition, the court shall post its LAP on its own website at: [REDACTED]

B. Outreach and Communication of Plan

The **King County Municipal Courts** shall inform the public of the existence of the LAP and to this end, the court will:

- Post LAP on courts' websites
- Share LAP with the Public Defenders and City attorneys and seek their feedback
- Share LAP with the court interpreters working in our courts and seek their feedback
- Share LAP with the local executive and legislative branches and seek their feedback

C. Annual Evaluation of the LAP

King County Municipal Courts will conduct an annual needs assessment to determine whether changes to the LAP are needed. To this end, the court will continue to communicate on an ongoing basis with stakeholders, including court's staff, interpreters, attorneys, and the public in the following manner(s):

- Surveys
- Meetings
- Written Communication including email, correspondence, etc.

This assessment will be done by reviewing various areas in which the court provides language access services, taking into consideration, at a minimum, the number of interpreters requested by language and the identification of emerging changes in the languages spoken or signed within the court's local population as identified by any informational means or by other methods. Elements of the assessment evaluation shall include:

- Number of LEP or DHH/DB persons requesting court interpreters.
- 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
- Identification of challenges or trends your court is experiencing with providing language access services.

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. In addition, the **King County Municipal Courts** will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by [REDACTED]
[REDACTED].

D. Ideas for Future Improvements in Language Access [Optional]

King County Municipal Courts will review the results of its annual needs assessment and conduct the following activities *[Check all that apply]*:

- Identify any challenges or trends your court is experiencing with providing language access services, sourcing of interpreters, document translation tasks, and website information that is accessible to LEP and DHH/DB individuals.
- Engage in collaborative efforts with other courts to improve and coordinate interpreter scheduling where interpreter resources are shared.
- Identify and implement changes or improvements identified by your court to improve language access services that are within the scope of this LAP
- Other: