

SAN JUAN COUNTY
SUPERIOR and DISTRICT COURTS
LANGUAGE ASSISTANCE PLAN (LAP)

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I. LEGAL BASIS AND PURPOSE

This document serves as the Language Assistance Plan, required by RCW 2.43.090(1), for both the San Juan County Superior Court and the San Juan County District Court. It also serves to meet the requirements of 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. The purpose of this Plan is to provide a framework for the provision of timely and reasonable language assistance to non-English speaking persons (RCW 2.43.020(4)) and to hearing or speech impaired persons (RCW 2.42.110(1)) who come into contact with those Courts.

This Plan was developed to ensure equal access to court services for persons with limited English proficiency (hereinafter "LEP Person") and hearing or speech impaired persons (hereinafter "Impaired Person"). Although Impaired Persons are covered under the Americans with Disabilities Act (ADA), rather than Title VI of the Civil Rights Act of 1964, they have been included in this Plan insofar as they relate to Chapter 2.42, RCW.

II. NEEDS ASSESSMENT

A. Statewide

Washington State provides court services to a wide range of persons, including LEP and Impaired Persons. In San Juan County those services are provided by Superior Court and District Court.

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. San Juan County Superior and District Courts

The San Juan County Superior and District Courts will make every effort to provide service to all LEP and Impaired Persons. However, the following list shows the non-English languages that are most frequently used in the area.

- Spanish
- Chinese-Mandarin
- Korean
- American sign

This information is based on data from both Superior and District Court records in which an interpreter was requested, and the San Juan County Health Department. In compiling this information on local language needs, the following individuals and groups were consulted: San Juan County Prosecuting Attorney's Office, San Juan County Juvenile Probation Office, San Juan County Auditor, Treasurer and Assessor's offices, the public schools located on San Juan Island, the San Juan County Health Department, and the County courthouse personnel.

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

- Italian
- Croatian

In compiling this information on local language needs, the same individuals and groups were consulted as referenced above.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The use of court interpreters for both sign language and non-English spoken language is mandated by State law found in Chapters 2.42 and 2.43, RCW, respectively.

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

who, because of impairment in 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 Chapter 2.42, RCW. When a speech or hearing impaired person is a party or witness at any stage of a judicial or quasi judicial proceeding in Washington, 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 that 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). A speech or hearing impaired person may waive his or her right to an interpreter, as provided in RCW 2.42.150.

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 Chapter 2.43, RCW. 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 appoint an interpreter, using 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, or if the Court makes a finding of good cause under RCW 2.43.030, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2). A non-English speaking person may waive his or her right to a qualified interpreter, as provided in RCW 2.43.060.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the San Juan County Superior and District Courts may determine whether a person needs an interpreter for a court hearing. First, the person may request an interpreter. To facilitate such a request, both Courts shall display a sign (24" long X 36" high) 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." These signs shall be posted at the following locations: 2nd floor of courthouse, just outside Superior Court and 2nd floor of courthouse, just outside District Court. A smaller version of this sign (8 ½" x 11") shall be posted at the information desks in the Superior Court Clerk's Office, the Superior Court Administrator's Office, the District Court Clerk's Office, and the Juvenile Court Office.

Additionally, *Interpreter Request* forms shall be available in both the Superior and District Court Clerk's Offices, the Court Administrator's Office, the Juvenile Court Office, and on the websites of both Courts. Literature racks just outside the Superior Court Clerk's Office shall include a variety of literature from the Northwest Justice Project and the Department of Social and Health Services that is written in Spanish, explaining which legal services and assistance can be obtained where. The Superior and District Court's websites shall include links to the AOC website for translated forms.

Also, 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, court staff and the judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation officers, attorneys, social workers or correctional facilities may notify the court about a person's need for an interpreter at an upcoming court hearing. When the San Juan County Sheriff's Office notifies either Court that a person is in custody, they shall at that time also advise the Court if there is a need for an interpreter. The Juvenile Probation Department, the Family Law Court Facilitator as well as the clerks in both Court Clerks' Offices shall also notify the Court Administrator if there is an individual needing an interpreter. Both the Superior and the District courtrooms shall have a wireless system for hearing impaired individuals.

2. Court Interpreter Qualifications

Interpreters for courtroom hearings shall be appointed in compliance with the rules and policies set forth in Chapters 2.42 and 2.43, RCW, as well as in General Rule 11.

San Juan County Superior and District Courts contract with The Language Exchange, Inc. This contractor provides only court-certified or qualified interpreters in all languages for hearings and trials as requested by San Juan County Superior or District Courts.

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.

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, French, German, Haitian Creole, Hebrew, Hilgaynon, Hindi, Hmong, Ilonggo, Indonesian, Italian, Japanese, Javanese, Khmer, Malay, Norwegian, Pashto, Persian Farsi, Polish, Portuguese, Punjabi, Romanian, Samoan, 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 statewide roster only when certified and registered interpreters are unavailable. Before a non-certified and non-registered person is used as an interpreter, the judge shall inquire into the skills, professional experience, and potential conflicts of interest in order to determine if the proposed interpreter meets the requirements of RCW 2.43.030(2).

The San Juan 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 who are not on the statewide roster are never used to interpret in court. However, they may assist in securing an interpreter if necessary.

B. Spoken Language Services outside The Courtroom

The San Juan County Superior and District Courts are also responsible for taking reasonable steps to ensure that all LEP and Impaired Persons 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 such persons without an interpreter. Such persons may come in contact with court personnel via the phone, counter or other means. To that end, the following resources are available to help these persons and court staff communicate with each other:

- Utilize "I Speak" cards, available through the U.S. Department of Justice, when the court staff does not recognize the language spoken by the customer.
- If available, contact an employee within the courthouse who is bi-lingual or has some proficiency in the person's native language. Also, Superior Court maintains a list of individuals in the community who are bi-lingual or have some proficiency in the person's native language and who are generally available by phone.
- Use the Language Line when interpreters are not immediately available.
- Joseph Tein, Certified Interpreter, has been working with both Superior and District Courts, as well as providing services to the Prosecuting Attorney's Office and Juvenile Probation Department, for several years. Mr. Tein keeps court staff apprised as to his availability, and has been immediately available via telephone on the rare occasion when an interpreter is needed on short notice.
- San Juan County Superior Court and District Court maintain and utilize Interpreter Request forms translated into Spanish.

C. Translated Forms & Documents

The Administrative Office of the Courts understands the importance of translating forms and documents so that LEP and Impaired Persons have greater access to the courts' services. The Superior and District Courts have access to the Washington State Courts website and all translated forms maintained on said website.

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP and Impaired Persons when necessary.

A. Providing Emergency Information to LEP and Impaired Persons

The San Juan County Superior and District Courts are responsible for taking reasonable steps to ensure that LEP and Impaired Persons have meaningful access to emergency information should an emergency situation arise. The court provides such information in the following ways:

- Universally understood emergency signs shall be located in strategic places throughout the courthouse building;
- Emergency exits shall be clearly marked;
- Evacuation maps, located in strategic places, shall include an indication in Spanish that they are evacuation maps.
- Bilingual staff shall be informed and trained to provide emergency information.

IV. TRAINING

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP and Impaired Persons.

V. PUBLIC NOTIFICATION AND EVALUATION OF LANGUAGE ASSISTANCE PLAN

A. Plan Approval & Notification

This Plan has been approved by the Judges of both Courts, Superior Court Clerk, the Superior Court Administrator, and District Court Administrator, and a copy has been forwarded to Washington State's Administrative Office of the Courts (AOC) Interpreter Program Coordinator. Any revisions to the Plan will be submitted to the same parties for approval, and then forwarded to the AOC Interpreter Program Coordinator. Copies of the Plan will be provided to anyone upon request. In addition, both Courts will post this Plan on their respective websites.

B. Annual Evaluation of the Plan

The San Juan County Superior and District Courts will conduct an annual needs assessment to determine whether changes to the Plan are needed. This assessment

may be done by tracking the number of interpreters requested by language in the courts, or 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 both Court's web sites.

The statewide AOC Court Interpreter Program Coordinator will periodically coordinate with designated local court staff to review the effectiveness of the 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 and 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 the policies and procedures of this Plan and how to carry them out; and
- Gathering feedback from LEP and Impaired Person communities around the State.

LAP Contact Person

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The effective date of this Language Assistance Plan is December 6, 2011.