

## **Appendix B**

### **Language Assistance Plan (LAP) for Port Orchard Municipal Court Participating in the Court Interpreter Reimbursement Program**

# **Language Access Plan of Port Orchard Municipal Court**

## **I. PURPOSE**

This LAP sets forth the Port Orchard Municipal Court policy and 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 (D/HH/DB) individuals who come in contact with Port Orchard Municipal Court services and programs. Language access services include both interpretation and translation services for LEP and D/HH/DB individuals.

## **II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES**

Under Washington state law (chapters 2.42 and 2.43 RCW), 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 D/HH/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 Port Orchard Municipal Court to provide foreign 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 D/HH/DB as required under applicable state and federal statutes and regulations.

Port Orchard Municipal Court will provide accessible information to LEP and D/HH/DB persons on how to request these language assistance services and vital documents as part of its notice to the public about its language access services.

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

## **III. DATA COLLECTION AND NEEDS ASSESSMENT**

The Court Administrator for Port Orchard Municipal Court will, on an annual basis, review demographic data regarding the language needs of its community provided by the Administrators Office (AOC). The data may be from sources such as the following:

- Most recent and relevant U.S. Census and American Community Survey (ACS)
- Local school district – South Kitsap School District
- Prosecuting Attorney's Office

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

The Port Orchard Municipal Court will make every effort to track requests for language access services by:

- Language preference (both spoken, written, and signed)
- Case type (criminal or infraction)
- Proceeding (e.g. trial, arraignment, initial appearance, etc.)
- Location of service request (e.g. court hearing, clerk's office, etc.)

In addition to mechanisms discussed under the identification of language needs section below, the Port Orchard Municipal Court will track this internal data in a case management system where available, and/or case files if case management is not automated. 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 Port Orchard Municipal Court 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 Port Orchard Municipal Court shows the following non-English languages, whether spoken or signed, that are most frequently used in our **geographic area**:

- Spanish
- Tagalog
- Korean
- Vietnamese
- American Sign Language

The most current language need identification efforts undertaken by Port Orchard Municipal Court shows the following foreign or sign languages that are most frequently used in our **court community**:

- Spanish
- Tagalog
- Korean
- Vietnamese
- American Sign Language
- Real Time Interpreters

## **B. Identified Future Needs**

Port Orchard Municipal Court has not identified any new emerging and/or additional languages among court users in the area for which resources will be needed in the future.

## **IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES**

### **A. Interpreter Coordinator/Court Administrator**

The Port Orchard Municipal Court has designated Deborah M. Hunt, or person acting as Court Administrator 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, and other relevant persons to secure language access services for their clients and constituents;
- Assist court staff with securing language access services; and
- 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:

Court Administrator  
216 Prospect Street  
Port Orchard, WA 98366  
360-876-1701  
Fax 360-895-3071  
court@cityofportorchard.us

### **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 / TDD, in-person, or through other means. In addition, there are various points of contact within Port Orchard Municipal Court where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services, including translated documents, 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, Port Orchard Municipal Court has a legal obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services and to be provided vital documents in translated form whenever necessary to access court proceedings and court-managed programs.

## **1. Identifying Language Needs at Points of Access**

Port Orchard Municipal Court will identify language access needs at all points of contact with the court, such as the:

Telephone calls to court staff - 360-871-1701

Security screening at court entrance  
Court Records and Clerk's Office  
Courtroom

Located at 216 Prospect Street, Port Orchard, WA

To ensure the earliest possible identification of the need for language access services, the Port Orchard Municipal Court has 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 justice partners to be notified include:

- Jail staff
- Domestic violence victim's advocate
- Attorney/public defender
- Law enforcement
- Court Security

## **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 Port Orchard Municipal Court shall provide notice of the availability of language access services translated into Washington State's most frequently used languages that states or with language similar to:

*"You have the right to language access services at no cost to you. To request these services, please contact Port Orchard Municipal Court."*

The Port Orchard Municipal Court displays this notice on its website and in the Court lobby.

Additionally, Port Orchard Municipal Court has 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:

- Language identification cards at all points of contact
- Multi-lingual notices at all 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.

When it appears that an individual has difficulty communicating due to a language barrier, Port Orchard Municipal Court staff must 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 Port Orchard Municipal Court 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.

### **A. Language Access Services inside the Court Room**

#### **1. Appointment of a Certified, Registered, or Qualified Interpreter for In Court Proceedings**

The person responsible for appointing or securing the assistance of an interpreter at the Port Orchard Municipal Court will comply with the following order of preference in appointing an interpreter as set forth in RCW 2.43.030(1)(b) and (2).

RCW 2.43.030(1) (b) states:

*An in-person Certified or Registered interpreter who has been credentialed by the Administrative Office of the Courts shall be appointed, whenever possible, unless good cause is found and noted by the appointing authority. "Good cause" includes, but is not limited to, a determination that:*

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of an in-person credentialed interpreter are not reasonably available to the appointing authority; or*
- (ii) The current list of credentialed interpreters maintained by the*

*Administrative Office of the Courts does not include an interpreter in the language spoken by the LEP.*

RCW 2.43.030(2) states:

*If good cause is found for using an interpreter who is not credentialed by the Administrative Office of the Court, the appointing authority shall make a preliminary determination that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:*

- (a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and*
- (b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.*

In the event no in-person interpreter is available locally, 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 a remote interpreter, as may be allowed by Washington court rule or law. When evidentiary matters are before the court, the court shall reschedule the hearing until an in-person interpreter is available, whether located in-state or out-of-state, and be made present at the hearing.

Port Orchard Municipal Court will NOT appoint as interpreters 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.

## **2. Practices in the Appointment and Use of Interpreters**

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

- Make a determination of the appropriate number of interpreters that may be required for the proceeding. When the proper administration of justice so requires the court will appoint multiple or separate interpreters.
- For long hearing sessions or trials, appoint a team of two interpreters or if no second interpreter is available, allow the interpreter to have frequent breaks to avoid interpreting fatigue, ensure accuracy, and avoid subsequent errors.
- Only allow an LEP or D/HH/DB person to waive his or her right to the assistance of an interpreter 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.

- Require interpreters to provide sight translations for documents related to the court proceedings.
- Prohibit interpreters from assisting LEP or D/HH/DB with entering information on court forms without the involvement of court staff in the completion of such forms.
- Provide 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 Contacts**

Port Orchard Municipal Court will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, Port Orchard Municipal Court employs 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 for criminal and infraction hearings.
- Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day.

### **4. Remote Interpreting**

For short non-evidentiary hearings the Port Orchard Municipal Court uses the following remote interpreting technologies:

- Telephonic interpreting provided by credentialed interpreters
- Telephonic interpreting agencies

The policy or practice of the court with regard to the use of remote interpreting services is as follows:

- Telephonic interpreting will be a last resort for courtroom proceedings, and reserved for brief non-evidentiary proceedings such as continuances, given that non-verbal cues – not visible when on the telephone – are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for individuals who are deaf or hard of hearing, the elderly, those struggling with mental illness, quiet or nonverbally communicative individuals, and others.



## **B. Language Services Outside the Courtroom**

The Port Orchard Municipal Court is responsible for taking reasonable steps to ensure that LEP, deaf and hearing impaired 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 or treatment agencies that are bilingual for:

- Anger management class
- Chemical dependency treatment
- Cashiers
- Parenting classes

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 qualified interpreters, bilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the court shall follow the guidelines described for the appointment of interpreters.

As noted in the policy interpretation section earlier, chapter 2.42 RCW 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 qualified interpreters in all proceedings where required, court's bilingual staff may assist with language needs outside of court proceedings. Bilingual staff shall be trained to understand their role, how it differs from the role of an interpreter, and that staff are only used for basic communications.

## **C. Translated Forms and Documents**

The Port Orchard Municipal Court understands 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.

State forms which have been translated are available at [www.courts.wa.gov/forms](http://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 de 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 / Una Introducción Al Juzgado De Demandas De Cuantía Menor

The Port Orchard Municipal Court currently has the following forms translated into commonly used languages:

- Advice of Rights form has been translated into Spanish
- Order of Release and Setting Court Dates has been translated into Spanish
- DUI Sentencing Grid has been translated into Spanish by AOC

The court shall make available such forms at appropriate locations in its court system and on the court's website if applicable. Information posted on the court's website for such forms shall be made accessible in the language the form is translated into.

#### **D. Providing Emergency Information to LEP Court Customers**

The Port Orchard Municipal Court is responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to emergency information should an emergency situation arise. The court provides such information in the following ways:

- There are universally understood emergency signs located in the strategic places throughout the courthouse building;
- Emergency exits are clearly marked;
- Evacuation map(s) are located in visible public area points.
- Bilingual staff are informed and trained to provide emergency information.

## **VI. TRAINING**

The Port Orchard Municipal Court is committed to providing training for all judicial and court staff members who come in contact with LEP and D/HH/DB individuals in order to ensure the successful delivery of language access services. The court will provide staff training on all requirements in this Language Access Plan. Additional training opportunities will include:

- Proper appointment and scheduling of interpreters for all court proceedings and court-managed programs and services
- How to voir dire a non-credentialed court interpreter
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards
- Courtroom management when interpreters are used
- Use of remote technologies for interpreting
- Cultural competence

Training efforts will include an initial training for new staff on the requirements of the current Language Access Plan and an annual training for existing court personnel that addresses any revisions made to the Plan.

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:

- The court's intranet
- The court's Language Access Coordinator/Interpreter Coordinator

## **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 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 chapters 2.42 or 2.43 RCW and/or any applicable state or local court rules. This is an informal process whereby the 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. Except in extraordinary circumstances, all complaints must be filed with the Court Administrator within 30 days from the date of the events on which the complaint is based.
2. Complaints filed with the Court must be in writing and must be signed, dated and include the complainant's contact information including name, address, and phone number or email address.
3. The complaint must include the following information:
  - a. A clear and brief description of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the complaint that the court did not provide language access services;
  - b. If possible, the complaint should identify the section(s) of the court's plan,

statutes or regulations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred;

4. Within 5 business days of the receipt of the complaint, the Court Administrator will contact the complainant to discuss the event.
5. The Court Administrator will conduct an investigation as soon as possible and will provide in writing a report stating the issues, the findings, and any recommendations to resolve the issues.
6. The person making the complaint will be notified promptly regarding the conclusion of the investigation.

**B. Complaint Filed with the Court Interpreter Commission (Optional)**

1. Except in extraordinary circumstances, the complaint must be filed with the Commission by an aggrieved party within 60 days from the date of the events on which the complaint is based.

Within 3 business days of the receipt of the complaint against a local court, Commission staff will inform complainant, using the contact information provided by complainant, of their option to file their complaint with the Department of Justice and of the need to file such complaint within 180 days from the date of the alleged discrimination.

2. Complaints filed with the Court or the AOC must be in writing and must be signed. The complaint must include the following information:
  - a. A clear and brief description of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the complaint that the court did not provide language access services;
  - b. If possible, the complaint should identify the section(s) of the court's plan, statutes or regulations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred;
  - c. Disclosure of any other channels the complainant is pursuing, including legal action (optional); and
  - d. A statement authorizing the Commission to send a copy of the complaint to the court that is the subject of the complaint.

**Complaints 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 Robert W. Lichtenberg at 360-350-5373 by telephone or via email to [Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov)

**3. Interpreter Commission Complaint Review**

- a. The Commission shall determine whether the complaint alleges facts that raise issues relating to the court's compliance with its LAP, federal civil rights laws, chapters 2.42 and/or 2.43 RCW or court rules. This determination shall be made within 10 business days of receiving the complaint. The Commission may request additional information from the complainant if appropriate. If the Commission concludes that the complaint does not raise issues relating compliance with the LAP, Title VI of the Civil Rights Act, chapters 2.42 and/or 2.43 RCW, the matter will be closed and the complainant will be notified of the decision.
- b. If the Commission determines that the complaint may raise possible compliance issues, the complaint shall be sent to the court and a response requested. The Commission ordinarily will request the presiding judge of the court or their designee to respond within 30 days.
- c. If the response from the court establishes that the court is not out of compliance with respect to the matters raised in the complaint, the Commission will close the matter.
- d. If the court's response does not clearly establish that it is operating in compliance with the matters raised by the complaint, the Commission may appoint a fact-finder to investigate the issues raised by the complaint and to report on the court's response, if necessary. The complaint, the court's response, and fact-finder's report, if any, shall be referred to the Commission for any further action deemed necessary by the Commission.
- e. The person making the complaint will be notified promptly regarding the conclusion of the Commission's review.

## **VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP**

### **A. LAP Approval & Notification**

Port Orchard Municipal Court LAP has been approved by the Presiding Judge and Court Administrator, and a copy has been forwarded to Washington State Administrative Office of the Courts' Interpreter Program Coordinator. Any revisions to the Plan are to be submitted to the Presiding Judge and Court Administrator for approval, and then forwarded to the Interpreter Program Coordinator. Copies of Port Orchard Municipal Court LAP shall be provided upon request. In addition, the court shall post its LAP on its own website at:  
<https://www.cityofportorchard.us/departments/municipal-court>

### **B. Outreach and Communication of Plan**

The Port Orchard Municipal Court shall inform the public of the existence of the LAP and to this end, the court will:

- Collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.
- Post LAP on court's website.

### **C. Annual Evaluation of the LAP**

Port Orchard Municipal Court 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 LEP and D/HH/DB persons, attorneys, and the public.

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 in the courts 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 D/HH/DB persons requesting court interpreters;
- Assessment of current language needs to determine if additional services or translated materials should be provided; and
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out

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 Port Orchard Municipal Court will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by Port Orchard Municipal Court.

**LAP Contact Person**

**State Contact:**

Robert Lichtenberg  
AOC Interpreter Program  
1206 Quince Street SE  
PO Box 41170  
Olympia, WA 98504-1170  
[Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov)  
(360) 350-5373

**Local Contact:**

Deborah M. Hunt  
Court Administrator  
Port Orchard Municipal Court  
216 Prospect Street  
Port Orchard, WA 98366  
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***The effective date of this LAP plan is April 30, 2018.***