



ABERDEEN MUNICIPAL COURT

Language Access Plan (LAP)

I. PURPOSE

This LAP sets forth Aberdeen Municipal Court's 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 Aberdeen Municipal Court's 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 (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 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 Aberdeen 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.

Aberdeen 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 RCW 2.42 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

Aberdeen Municipal Court's Administrator 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);
- Interpreter services billing statements;
- Aberdeen Police Department;
- Grays Harbor District Court; and
- Local social services providers.

This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate. Aberdeen Municipal Court will make every effort to track requests for language access services by language preference (spoken, written, and signed).

In addition to mechanisms discussed under the identification of language needs section below, Aberdeen 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.

A. Identified Current Needs

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

- Spanish
- Korean
- Cambodian
- German
- Sign Language

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

- Spanish
- Korean
- Polish
- German
- Punjabi

B. Identified Future Needs

Aberdeen 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 at this time.

IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES

A. Designated Language Access Coordinator

Aberdeen Municipal Court has designated the 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:

Tammy Sund, Court Administrator
210 East Market Street
Aberdeen, WA 98520
(360) 533-5411 Phone
(360) 537-3247 Fax
Tammy.sund@mail.courts.wa.gov

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 Aberdeen 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, Aberdeen 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

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

- Telephone calls to court staff at (360) 533-5411;
- Security screening at the courthouse entrance;
- Clerk's window in the courthouse lobby; and
- Courtroom

To ensure the earliest possible identification of the need for language access services, Aberdeen Municipal Court has established internal protocols with the various justice partners who 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;
- Prosecutor's Office;
- Public Defender's Office; and
- Private attorneys

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, Aberdeen Municipal Court shall provide notice of the availability of language access services translated into frequently used languages. Aberdeen Municipal Court displays this notice on its website and at the following locations:

- Courthouse lobby

Additionally, Aberdeen Municipal Court has the following resources available, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other:

- Language identification cards;
- Multi-lingual notices 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;
- Telephonic interpreter services;
- Google Translator; and
- Bilingual staff (Spanish)

When it appears that an individual has difficulty communicating due to a language barrier, Aberdeen Municipal Court 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 Aberdeen Municipal Court staff has determined interpreter services are required for an LEP or D/HH/DB individual, court staff has access to the following procedures for securing an interpreter.

A. Language Access Services Inside the Courtroom

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 Aberdeen Municipal Court will comply with the following order of preference in appointing an interpreter in RCW 2.43.030:

RCW 2.43.030(1) (b)

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)

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 who the interpreter would interpret; and
- (b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

For the Spanish language, bilingual court staff may be used in compliance with RCW 2.43.030 and shall sign the Oath of Interpreter for each proceeding in which their interpreter services are used. It should be noted that there are no certified or registered interpreters residing in Grays Harbor County at this time according to the interpreter database maintained by AOC.

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.

Aberdeen 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 Aberdeen Municipal Court will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of Aberdeen 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.
- Appoint a team of two interpreters for long hearing sessions or trials 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

Aberdeen Municipal Court will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, Aberdeen 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;
- Coordinating calendars so an interpreter may be available for several matters on the same day;
- Creating a pool of interpreters who may be available by telephone or video to assist in non-evidentiary proceedings or other court programs.

4. Remote Interpreting

For short non-evidentiary hearings Aberdeen Municipal Court may use the following remote interpreting technologies:

- Telephonic interpreting provided by credentialed interpreters
- Telephonic interpreting agencies
- Video-remote interpreting (VRI)

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

- Video remote and telephonic interpreting use will be consistent with GR 11.3 and will be used with caution. Generally, in-person interpreters are preferred.
- 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.

- Video remote interpreting (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; and
 - Use of Certified interpreters with legal training

in order to be an efficient and effective mechanism for providing language access services when an in-person interpreter is not available or when only a non-credentialed interpreter is available in person (but a credentialed one is available via video).

The court requires training for staff and appointing authorities on VRI and telephonic interpreting, how to use the technologies, how to best utilize the remote interpreter, and what are appropriate events for such types of remote interpreting service. VRI shall not be the only option available to the court and should be used when in-person interpretation services are not available.

B. Language Services Outside the Courtroom

Aberdeen 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 at:

- Cashier
- Court facilitator services
- Criminal diversion programs
- Information counters

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, 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 qualified interpreters in all proceedings where required, the court's bilingual staff may assist with language needs outside of court proceedings.

C. Translated Forms and Documents

Aberdeen 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 court's 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. 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](#)

Aberdeen Municipal Court currently has the following forms translated into Spanish:

- Defendant's Rights
- Waiver of Counsel
- Waiver of Right to Speedy Trial and Jury Trial
- Promise to Appear
- Indigent Screening Form
- Victim Impact Panel (VIP) Form
- Order to Fingerprint
- Letters from the Court
- Public defender's contact information
- Instructions for personal property retrieval

When translated forms are not available, this court may:

- Provide sight translation of the form using bilingual staff;
- Provide information regarding the content of the form using bilingual staff;
- Have an in-person interpreter sight translate the form;
- Refer LEP party to a community resource;
- Use telephonic interpreting.

D. Providing Emergency Information to LEP Court Customers

Aberdeen 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:

- Duress alarms emit a loud sound and activate a strobe light;
- Emergency exits are clearly marked; and
- Bilingual staff (Spanish) is informed and trained to provide emergency information.

VI. TRAINING

Aberdeen 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; and
- 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 from the Language Access Coordinator/Court Administrator Tammy Sund.

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 the 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. Complete the Aberdeen Municipal Court Interpreter Services Complaint Form. Attach any additional information you believe is pertinent to the complaint. Sign and date the form. If you need assistance completing the form, please contact Language Access Coordinator Tammy Sund at (360) 533-5411. The complaint must be in writing.
2. Submit the Complaint Form to Aberdeen Municipal Court either in person, by mail or email to: Tammy Sund, Language Access Coordinator, 210 E. Market Street, Aberdeen, WA 98520. tammy.sund@mail.courts.wa.gov
3. The Aberdeen Municipal Court Language Access Coordinator will contact the person submitting the complaint within 10 business days to discuss possible resolutions.
4. The Language Access Coordinator will memorialize any resolution in writing. If the Language Access Coordinator is unable to resolve the issue or the resolution is unsatisfactory to the person submitting the complaint, the complainant will be advised of the option to file a complaint with the Interpreter Commission and that such complaint must be filed within 60 days from the date of the event on which the complaint is based except in extraordinary circumstances.

III. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval & Notification

Aberdeen Municipal Court's LAP has been approved by the Judge 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 submitted to the Judge for approval and then forwarded to the Interpreter Program Coordinator. Copies of Aberdeen Municipal Court's LAP shall be provided upon request. In addition, the court shall post its LAP on its own website at www.aberdeenwa.gov/municipal-court.

B. Outreach and Communication of Plan

Aberdeen Municipal Court shall inform the public of the existence of the LAP by posting it on the court's website and will collaborate with the local bar, justice

partners and other relevant organizations to ensure distribution of information.

C. Annual Evaluation of the LAP

Aberdeen Municipal Court will conduct an annual needs assessment to determine whether changes to the LAP are needed. 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 court 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 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;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Identification of challenges or trends the 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, Aberdeen Municipal Court will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by the Judge.

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
(360) 350-5373

Local Contact:

Tammy Sund
Court Administrator &
Language Access Coordinator
210 E. Market Street
Aberdeen, WA 98520
Tammy.sund@mail.courts.wa.gov
(360) 533-5411

The effective date of this LAP plan is July 1, 2018.