

**BATTLE GROUND MUNICIPAL COURT
LANGUAGE ASSISTANCE PLAN (LAP)**

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Battle Ground Municipal Court to provide services to Limited English Proficient (LEP), deaf or hearing impaired individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq.; RCW 2.42 and 2.43; and HB 2176. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP, deaf or hearing-impaired persons who come in contact with Battle Ground Municipal Court.

This LEP Plan was developed to ensure equal access to court services for persons with limited English proficiency and deaf and hearing-impaired persons. Although deaf and hearing-impaired individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to RCW 2.42 and 2.43.

II. NEEDS ASSESSMENT

A. Statewide

Washington State provides court services to a wide range of persons, including people who do not speak English or who are deaf or hearing impaired. Service providers include the trial courts at the Superior, District and Municipal Court levels.

According to 2000 U.S. Census data, the most widely used languages for interpreters in Washington State were (in descending order of frequency):

1. Spanish
2. Russian
3. Vietnamese
4. Chinese

B. Battle Ground Municipal Court

Battle Ground Municipal Court will make every effort to provide service to all LEP, deaf and hearing-impaired persons. However, the following list shows the *non-English* languages that are most frequently used in the area are:

- Spanish
- Russian
- Vietnamese

This information is based on data from “Queries” from the Judicial Information System (JIS).

Battle Ground Municipal Court has identified the following additional language assistance needs among court users in the area.

- Chinese
- Panjabi (Eastern)
- Somoan
- Ukrain

This information is based on data from “Queries” from the Judicial Information System (JIS).

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The use of court interpreters (both sign language and non-English spoken language) is guided by two state statutes – RCW 2.42 and 2.43, respectively.

It is the policy/law of Washington State to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.42. 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 RCW 2.43.

When a deaf or hearing impaired person is a party or witness at any stage of a judicial or quasi judicial proceeding in the state or political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption

proceedings, mental health commitment proceedings and any proceeding in which a deaf or hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter. See RCW 2.42.120(1). When a non English speaking person is a party to a legal proceeding or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall make efforts to use the services of 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, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2).

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Battle Ground Municipal Court will determine whether an LEP, deaf or hearing-impaired court customer needs an interpreter for a court hearing. First, the LEP, deaf or hearing-impaired person may request an interpreter. The Battle Ground Municipal Court has a sign translated into Washington State's five 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."* The Battle Ground Municipal Court displays this sign at the court front office.

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as Clark County Supervised Release, Law Enforcement Staff, attorneys, social workers, or Clark County Jail staff may notify the court about an LEP, deaf or hearing-impaired individual's need for an interpreter for an upcoming court hearing.

2. Court Interpreter Qualifications

The Battle Ground Municipal Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth in RCW 2.42 and 2.43 as well as General Rule 11.0; 11.1; 11.2; and 11.3. The Washington State Court Interpreter Program maintains a statewide roster of Certified and Registered

interpreters who 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. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

The Battle Ground Municipal Court 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 Battle Ground Municipal Court is also responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to services outside the courtroom, which would include the following:

- Site visits
- Eligibility for a Public Defender
- Eligibility or Termination for a No Contact Order (Criminal Case)

This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP, deaf or hearing-impaired individuals without an interpreter. LEP, deaf or hearing-impaired individuals may come in contact with court personnel via the phone, TTY / TDD, counter or other means. The Battle Ground Municipal Court has the following resources to help LEP, deaf or

hearing-impaired individuals and court staff communicate with each other.

- For face-to-face encounters, as well as telephone conversations, the Battle Ground Municipal Court uses the Language Line or other on-call interpretation services when interpreters are not immediately available.
- When court staff does not know what language a customer is speaking, they can use “I Speak” cards.” **(See Appendix A & B)**
- In order to meet simple immediate communicative needs, court staff may use free online translating services. This will help in translating an English statement into a foreign language in written form.” The websites listed below *will only work for short and simple sentences*.
 - The free on-line translation services are as follows: www.freetranslation.com; for translation between English and: Italian; Dutch; Portuguese; Russian; Spanish and Chinese
 - Google translate or other available sources

C. Translated Forms & Documents

The Administrative Office of the Courts understands the importance of translating forms and documents so that LEP individuals have greater access to the courts’ services. The Battle Ground Municipal Court currently has the following forms translated into commonly used languages: **(See Appendix C)**

- Delayed or Rescheduled Hearing – translated in Amharic; Arabic; Chinese; Hmong, Khmer; Laotian; Oromo; Russian; Serbo-Croatian; Somali; Spanish; and Vietnamese

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals, as well as for deaf or hearing-impaired individuals when necessary.

A. Providing Emergency Information to LEP Court Customers

The Battle Ground Municipal Court is responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to emergency information should an emergency situation arise. The court provides LEP people with such information in the following ways:

- Exits are clearly marked [possibly also in the most common for the area non-English language(s)];

IV. TRAINING

Local courts are committed to providing training opportunities for court staff members who come in contact with LEP, deaf or hearing-impaired individuals. Training opportunities specifically provided in the Battle Ground Municipal Court include:

- a. Staff is instructed about LAP policies and procedures, as described in this LEP Plan, on an annual basis.
- b. Front-line staff is required to annually review “Breaking Down the Language Barrier,” a video training tool provided by the Department of Justice.
- c. Note that AOC will be providing state- and / or regional-level training for judicial officers and court staff to support implementation of local LEP plans.

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. LEP Plan Approval & Notification

Battle Ground Municipal Court’s LEP Plan 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 will be submitted to the Court Administrator for approval, and then forwarded to the Interpreter Program Coordinator. Copies of Battle Ground Municipal Court LAP plan will be provided upon request. In addition, Battle Ground Municipal Court will post this plan on its website.

B. Annual Evaluation of the LEP Plan

The Battle Ground Municipal Court will conduct an annual needs assessment to determine whether changes to the LEP 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 the court’s web site.

The statewide AOC Court Interpreter Program Coordinator will periodically coordinate with designated local court staff to review the effectiveness of the LEP 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, deaf or hearing impaired persons requesting court interpreters in Washington State trial courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out.

LAP Contact Person

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The effective date of this LEP plan is July 7, 2017.