

2022

LANGUAGE ASSISTANCE PLAN

(LAP)

FOR

BAINBRIDGE ISLAND MUNICIPAL

Language Access Plan of Bainbridge Island Municipal Court

I. PURPOSE

This LAP sets forth the Bainbridge Island 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 (Deaf/Hard of Hearing/Deaf Blind) individuals who come in contact with Bainbridge Island 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 (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 Bainbridge Island Municipal Court 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 D/HH/DB as required under applicable state and federal statutes and regulations.

Bainbridge Island Municipal Court will provide accessible information to LEP and D/HH/DB persons on how to request interpreter services 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. NEEDS ASSESSMENT

The most current language need identification shows Spanish is the non-English language, whether spoken or signed, that is most frequently used in our geographic area.

IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES

In order to facilitate the ability of LEP and D/HH/DB individuals to request their need for language access services, the Bainbridge Island Municipal Court 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 Bainbridge Island Municipal Court will display the above notice on its website, court lobby and courtroom.

When it appears that an individual has difficulty communicating due to a language barrier, Bainbridge Island 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.

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

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

The person responsible for appointing or securing the assistance of an interpreter at the Bainbridge Island Municipal Court will comply with the following order of preference in appointing an interpreter in RCW 2.43.030. 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.

Bainbridge Island Municipal Court 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.

2. Practices in the Appointment and Use of Interpreters

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

Bainbridge Island Municipal Court will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, Bainbridge Island Municipal Court 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 Bainbridge Island Municipal Court will use telephonic and Zoom audio/video conferencing for remote interpreting.

B. Language Services Outside the Courtroom

The Bainbridge Island Municipal Court is 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 upon request at:

- Attorney Client interviews
- Investigator Witness interviews
- Translation of Letters/requests in other than English languages
- Electronic Home Monitoring
- Public Service Counter in person or over the phone

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 Bainbridge Island 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, 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

The Bainbridge Island Municipal Court currently offers the following forms translated into Spanish:

- Advisement of Rights
- Public Defender Application

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 Bainbridge Island 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 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

V. TRAINING

The Bainbridge Island Municipal Court is 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.

VI. 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
Robert W. Lichtenberg
Telephone: 360-350-5373
Email: Robert.Lichtenberg@courts.wa.gov

VII. PUBLIC NOTIFICATION AND EVALUATION OF LAP

LAP Approval & Notification: The Bainbridge Island Municipal Court LAP has been approved by their respective Presiding Judge and Court Administrator.

Outreach and Communication of Plan: The Bainbridge Island Municipal Court shall inform the public of the existence of the LAP and to this end, the court will post LAP on court's website.

Annual Evaluation of the LAP: Bainbridge Island 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 court's staff, interpreters, attorneys, and the public through meetings and written communication including email, correspondence, etc.

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.

LAP Contact Persons

State Contact:

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