

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Video Remote Interpretation  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

State and federal laws require Washington courts to provide meaningful access to courts and court services for persons who have limited English proficiency (LEP). Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially miscarriage of justice.

Providing meaningful access in remote areas of the state is difficult. Likewise, providing interpreting for certain languages, where the state has a small number of available qualified interpreters, is challenging. Video remote interpreting (VRI) can remove these barriers to essential, accurate interpreting for unscheduled and scheduled communication with limited English proficiency court users.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>001-1 General Fund-State</b>		<b>\$ 167,000</b>		<b>\$ 217,000</b>		<b>\$ 384,000</b>
<b>Staffing</b>						
		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		1		1		1

**Package Description:**

**Need**

Language access in state courts is a critical. For this reason, courts must be fully accessible to everyone, irrespective of their language ability.

RCW Chapter 2.43 prescribes the requirements for providing court interpreter services in Washington courts. Additionally, Executive Order 13166 issued in 2000, directed federal agencies to publish LEP guidance for recipients receiving federal funding. All subsequent technical assistance and guidance regarding language access issued by the Department of Justice (DOJ) have communicated DOJ's position that courts

receiving federal funding are required to take reasonable steps to provide oral interpretation to people who are limited English proficient in all proceedings and court operations in accordance with Title VI requirements for ensuring language access. In August 2010, in a letter to all chief justices and state court administrators, Assistant Attorney General Thomas E. Perez clarified the obligation of state courts receiving federal funding to provide language assistance services to people who are LEP in all proceedings and court operations.

To assist the court with its obligation, AOC established a court interpreter certification program to ensure availability of qualified language interpreters. Although this program has been quite successful, there continues to be a limited availability of interpreters in remote regions of the state, as well as limited interpreters in certain languages, such as Arabic. The limited availability of interpreters can result in court delays, continuances and increased costs when courts are forced to pay a premium to compensate interpreters for traveling long distances.

### **Solution**

This request is to fund a pilot project to implement centralized remote interpreting to overcome barriers to providing quality interpreting. Remote interpreting includes telephone interpreting and integrated audio/video interpreting.

Telephone interpreting can be accomplished with a standard telephone line attached to a state-of-the-art sound system (see Figure 1). Remote integrated audio/video interpreting utilizes several technologies including a state of the art sound system, a standard telephone line, headsets with attached microphone, personal computers, high speed internet and cameras (see Figure 2).



**Figure 1 - Interpreting Remotely — The Interpreter presses a number on the telephone keypad to control who hears her voice.**



Figure 2 - Integrated Audio/Video Remote Interpreting.



Figure 3 - Illustrates Flow of Communication during Interpreting.

This request will fund the Video Remote Interpreting (VRI) equipment purchase, installation, and maintenance, as well as providing training necessary to use the equipment. The request will also fund one bilingual full-time Court Program Analyst to draft business procedures, coordinate VRI services, provide back-up telephonic and video interpreting and obtain, review and evaluate data.

## **Narrative Justification and Impact Statement**

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

### **Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

***Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Trial courts have an obligation to provide meaningful language access despite barriers caused by distance and limited interpreter availability. VRI provides an opportunity to overcome these barriers and efficiently and effectively provide court access to LEP court users in both criminal and civil cases pursuant to DOJ guidance and state and federal laws.

***Accessibility. Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

This use of VRI illustrates the courts commitment to making state courts fully accessible to everyone, by removing communication barriers caused by national origin and language ability. This project will encourage the use of qualified language interpreters in all court interactions.

***Commitment to Effective Court Management. Washington courts will employ and maintain systems and practices that enhance effective court management.***

In instances where VRI is used scheduling proceedings and interpreters will be enhanced. The ability to provide an interpreter on demand, decreases court disruption and allows interactions to occur quickly and smoothly without the cost burden caused by on-site interpreting.

***Appropriate Staffing and Support. Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.***

VRI ensures that qualified certified or registered interpreters are used for all court interaction. VRI effectively addresses the lack of available interpreters due to geographic barriers or a small number of qualified interpreters in certain languages. VRI may reduce and/or eliminate the need to use noncertified or registered interpreters.

## **Measure Detail**

### **Impact on Clients and Services.**

VRI benefits court users and the courts. It increases access for LEP persons, reduces court disruption and the cost burden associated with on-site interpreting, including travel costs, costs incurred scheduling two-hour minimums when less interpreting time is needed including when defendants fail to appear for scheduled proceedings.

**Impact on Other State Programs.**

None

**Relationship to Capital Budget.**

None

**Required Changes to Existing Court Rule, Court Order, RCW, WAC, Contract, or Plan.**

Several court rules may require revision after the pilot project has been completed and VRI is a proven method available to courts statewide. During the pilot, the Supreme Court can issue a court order exempting the pilot from existing court rules.

Superior Court Criminal Rule 3.4 states that video conferences may be held on criminal cases in which all participants can simultaneously see, hear, and speak with each other, and; such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. It further states that all video conference hearings conducted pursuant to the rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge.

In addition, Superior Court Civil Rule 3.4 states that in interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

**Alternatives Explored.**

In the '80s, AOC established a court interpreting certification program to train and certify court interpreters. The program has been successful, but the growing need for interpreter services along with the barriers posed by distance have made it impossible to keep up with demand. VRI and other technologies are needed to bridge the gap.

**Distinction Between One-time and Ongoing Costs and Budget Impacts in Future Biennia.**

The non-staff costs represent a one-time purchase of VRI equipment. Ongoing salary costs will impact future biennia as will maintenance of the equipment.

**Effects of Non-funding.**

If this proposal isn't funded, the court will struggle to satisfy its obligation to provide meaningful access to court for LEP persons. If the court doesn't satisfy its obligation, it could face penalties from DOJ.

## **Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ 92,000	\$ 92,000	\$184,000
Non-Staff Costs	\$ 75,000	\$125,000	\$200,000
<b>Total Objects</b>	<b>\$167,000</b>	<b>\$217,000</b>	<b>\$384,000</b>

### **Staff Costs.**

1 Senior Court Program Analyst, level 62: \$92,000 including salary and benefits.

### **Non-Staff Costs.**

This is an estimate for what it will take to design, engineer and build a complete courtroom video remote interpretation system from the ground up. The audio system shall be completely integrated into the court room microphones and speakers. The video system will be on a portable cart with a video monitor and a video conferencing system that will connect into the main system of the court room but can be rolled out of the court room when not needed.