



**Board for Judicial Administration and
Interpreter Commission**

**Interpreter Services Funding Task Force
Final Report**

October 2019

Interpreter Services Funding Task Force Members

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Introduction

The ability to communicate is a fundamental prerequisite to accessing justice. Equal and fair access requires full engagement of the participants, whether presenting information or understanding the proceedings and rulings. For individuals whose English proficiency is limited, or those who are deaf or hard of hearing, this can only be accomplished through the use of qualified interpreters.

Over the past few years, Washington State courts have experienced increased court interpreter costs and difficulties finding qualified interpreters.

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who have functional hearing loss or have limited English proficiency.¹ Washington law also prescribes the requirements for providing services² and who pays for them³, and compels the courts to use interpreters certified by the Administrative Office of the Courts (AOC).⁴ Additionally, the Department of Justice has warned that recipients of federal funds which fail to provide interpreter services for all court cases as well as access to all court managed programs and activities, including those outside the courtroom, risk losing those funds.

There have been many impacts on interpreter services over the years. Washington State has experienced an increase in its limited English proficient population, resulting in more languages requiring interpretation, and increased interpreter court costs. The AOC Interpreter Reimbursement Program was created to help with these costs.

The AOC's Interpreter Reimbursement Program (Reimbursement Program) contracts with 33 courts covering 41 jurisdictions across Washington to partially reimburse the costs of hiring interpreters. The AOC reimburses courts for up to 50% of interpreters' hourly rate and travel costs. Since 2011, the AOC has annually expended approximately \$610,500 to reimburse courts in the program. Almost every court spends well beyond what the AOC has available to reimburse for interpreter expenses and the funds provided by AOC are routinely exhausted by year's end.

With interpreter needs and costs increasing, the Board for Judicial Administration (BJA) adopted the goal of obtaining adequate and sustainable funding for interpreter services as one of their strategic priorities for 2017–2019. The Interpreter Services Funding Task Force (Task Force) was created to identify the current demand for interpreter services statewide, the costs associated with providing these services, and statewide funding options to meet these needs. The Task Force submitted a legislative funding proposal of 2.1 million for the 2019–21 Biennium and was successful in obtaining funding.

¹ RCW 2.43.010, Title VI of the Civil Rights Act of 1964, Executive Order 13166

² RCW Chapters 2.42 and 2.43

³ RCW 2.42.120, RCW 2.43.040

⁴ RCW 2.43.030

Task Force Charter

The BJA and Interpreter Commission created the Interpreter Services Funding Task Force in July 2017 to identify funding needs for court interpreters in Washington State. Originally a two-year charter, its term was extended until June 2020 by the BJA.

The Task Force's goals were to identify the demand for and costs of court interpreter services in Washington and to develop and implement a successful strategy to obtain adequate and sustainable state funding for interpreter services statewide.

The Task Force was asked to:

- 1) Identify and quantify the current demand for and costs of interpreter services statewide using empirical information and sound research methods.
- 2) Analyze state and local funding for interpreter services.
- 3) Review past budget proposals for interpreter services.
- 4) Identify current efforts used to meet the demand for interpreter services and best practices that would optimize use of resources to provide services.
- 5) Develop and submit a budget proposal for the 2019–21 biennium justified by quantitative empirical evidence.
- 6) Develop a legislative strategy to successfully obtain adequate state funding for interpreter services.
- 7) Provide a report to the BJA and the Interpreter Commission along with a budget proposal at a time that conforms to the 2019–21 legislative biennium.

The Task Force's diverse membership consisted of judges from every level of court; representatives from city and county associations, advocacy organizations, court management associations, the Office of Public Defense, and the Minority and Justice Commissions; and AOC legislative and budget staff.

The Task Force met in person and by phone over the course of the two years. BJA funds supported member travel and meeting expenses, and AOC provided staff support.

Data Collection

As part of the information gathering stage, AOC staff reviewed existing research and national and state reports addressing interpreter services and funding, conducted interviews with AOC staff in other states and key stakeholders in Washington, and reviewed previous surveys and data in Washington. Staff also reviewed previous budget requests and Reimbursement Program efforts and data. The Task Force identified additional data needed and implemented the data collection activities outlined below.

Funding Court Interpreter Survey

The Task Force conducted a survey in December 2017 to gather information about local courts' interpreter services and funding needs. The Task Force wanted to determine the frequency at which interpreter services were accessed around the state, what types of cases they were most used for, the approximate costs, and challenges and successes in administering interpreter services. The survey was distributed to all presiding judges and court administrators across Washington; 132 out of a possible 165 courts completed the survey. Past interpreter survey information and other information collected helped shape the Task Force recommendations.

Domestic Violence and Sexual Assault Advocate Survey

The Task Force sought information from advocacy organizations to help assess court interpreter services for victims of sexual and domestic violence across Washington State. Interpreter services are critical for survivors of abuse, especially for all parties to communicate about the seriousness of violent situations and to understand what protection orders mean, what happens in custody hearings, and other family law matters that domestic violence and sexual assault survivors encounter. A survey was distributed in September 2018 to community sexual assault and domestic violence programs through the Washington State Coalition Against Domestic Violence, the Washington Coalition of Sexual Assault Programs, and legal aid programs that provided legal advocacy/information without representation in court. There were 95 responses to the survey, representing all regions across the state. AOC staff also talked with several local programs and attorneys who work with victims of sexual assault and domestic violence.

Attorney Feedback Sessions

AOC staff met with approximately 29 attorneys from across the state in small group discussions, in-person meetings, and by telephone. Attorneys were asked about their clients' court experiences when they used interpreter services, when they needed interpreters and did not get them, and what challenges and successes they experienced when requesting or using interpreter services.

Courts in the Reimbursement Program

Judicial officers and court administrators who worked in their courts prior to implementation of the Reimbursement Program were asked to share the before and after impacts of the program on overall interpreter services, the court users, and court practices. Some of those interviewed worked at the court only after implementation.

Court Users

One court surveyed twelve court users who spoke different languages to answer: 1) Was the interpreter helpful today? Why? 2) What is the most important thing about having an interpreter in the court? 3) How was your court experience? While this was a small sample, the information was helpful. Additional court user feedback should be considered for future evaluation efforts.

Key Findings

It was clear from the surveys and interviews that courts and court users need more timely and accessible interpreter services and that funding could help achieve these goals. The main findings from the data collection activities are highlighted. Task Force reports⁵ provide additional details.

1) Court interpreters are frequently used.

The [Funding Court Interpreters Report](#) found that over half of Washington State courts frequently used qualified interpreters and that approximately 66% of district and superior courts were most likely to use interpreters daily or weekly. Around 20% of domestic violence and sexual assault advocates reported that the majority of their clients needed court interpreters. Around 50% of advocates reported that their clients needed court interpreters almost a third of the time.

2) Courts experienced increased interpreter costs.

Between 2015 and 2016, interpreter costs increased by \$1.2 million and approximately 50% of courts reported exceeding their allocated budgets⁶.

3) Lack of services and qualified interpreters led to delays in over 50% of hearings.

It is not always easy to obtain interpreters. In the [advocate survey](#), half of respondents said it was somewhat easy to obtain interpreter services in their courts. Almost 30% said it was not easy to obtain interpreter services. The number increased to 50% of respondents from Region 2 (Adams, Chelan, Douglas, Grant, Kittitas, Klickitat, Okanogan, and Skamania) who said that obtaining court interpreters was not easy.

Fifty-nine percent of courts experienced delays in proceedings when interpreter services were needed and unavailable⁷. Advocates also reported delays in 56% of hearings when court interpreters were not available for individuals at the time they were needed. In the majority of situations where an interpreter was not available, the case was rescheduled or language line⁸ was used. In some situations when interpreters were not available, clients waived the requirement for certified interpreters, clients understood enough English to proceed, bilingual advocates or attorneys were asked to translate (more likely to happen in ex parte hearings), or clients had to wait long periods until an interpreter could come to the court.

Attorneys reported that their clients sometimes encountered staff who did not speak the language nor use language line to communicate and were therefore unable to receive services. There were often delays in cases and continuances because of a small pool of interpreters.

⁵ Reports include: [Funding Court Interpreters Report](#) and [Funding Court Interpreter Services in Washington Courts: A summary of feedback on court interpreter services and funding needs](#).

⁶ Funding Court Interpreters Report

⁷ Funding Court Interpreters Report

⁸ Language line is a call-in interpreter service.

4) **Quality interpretation is critical.**

Courts experienced difficulties finding rarer language interpreters and qualified interpreters. Compared to urban courts, small and rural courts had more difficulties accessing qualified interpreters. Additionally, hiring AOC-qualified interpreters outside of the court's region may be cost prohibitive due to transportation and lodging costs.

Court users unanimously shared that interpreters were helpful in order to understand the court proceedings, gain clarity in the information presented, better understand the audience and ask questions, and better express themselves.

“Yes very much! Interpret English into Samoan enables me to understand what is being done to me.” – Court user

Advocates reported that when interpreter services were not provided or when there was poor interpretation that clients left court without receiving help, orders and decisions were made without accurate or appropriate interpretation, and that clients experienced emotional and financial impacts. In some communities, interpreters and clients know each other which created a conflict of interest and resulted in delays.

***“I had a client in a situation where (the) interpreter seemed to minimize seriousness of (the) injury because they didn't accurately describe the sexual abuse caused.”
– Advocate***

Advocates also shared the advantages of having language access and quality interpreter services. When there was a qualified interpreter, individuals (both clients and witnesses) had the opportunity to understand and participate in proceedings, had their questions answered, and felt safer and more comfortable presenting difficult information.

“In filing for a protection order, it would not have been possible to speak to the judge unless the interpreter was there.” – Advocate

Attorneys stated that qualified interpreters led to more accurate information being shared, fewer delays, efficient court calendars, and fewer questions about the process. Experienced interpreters were also comfortable in legal proceedings, and were better able to recognize different dialects and ensured appropriate interpretation was used. Clients were more relaxed and more comfortable when someone knew their language and they were able to communicate more easily in the courtroom.

5) **Increased funding, interpreters, and training are needed.**

Increased funding is critical in order to provide more qualified interpreters for all involved in court hearings. Courts need to hire more interpreters, pay interpreters appropriately, recruit more interpreters, and provide funds for extraordinary situations such as longer trials or interpreters for rarer languages⁹.

⁹ Funding Court Interpreters Report

Advocates noted that courts should hire more bilingual staff, develop an easier process to obtain interpreters, post how to get an interpreter at the front desk, add a language box on forms, and providing in-person interpreters. Providing interpreters at ex parte hearings would also ensure that information was provided, shared, and understood. There is a need for translated forms and orders to ensure victims understand proceedings, the outcomes, and their rights.

Attorneys would like increased access to interpreters before a hearing and more interpreters in the court. Training for judges and front line staff on working with pro se clients who are limited English proficient or deaf, or hard of hearing and on qualifying non-certified interpreters on record would be helpful. More training on ethics for all interpreters, regardless of whether they are credentialed or not, would be helpful if they are working in the courts.

6) Court Interpreter Reimbursement Program increases the use of qualified interpreters.

Ten years after implementation, the Reimbursement Program has improved court interpreter services for courts currently receiving funds. Reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates. The 50% program cost-sharing requirement has encouraged participating courts to implement cost-saving and quality-ensuring practices such as web-based scheduling, multi-court payment policies, grouping of interpreter cases, and sharing of staff interpreters.

Prior to the Reimbursement Program some courts didn't know who to contact for qualified interpreters or used non-credentialed interpreters. Some courts hired contracted or staff interpreters. The Reimbursement Program helped courts with scheduling and in developing relationships with the interpreters which in turns increases confidence in the interpreting and experience in the courts.

Additionally, courts are experiencing more languages than in the past. The explosion in diverse languages for courts is staggering. In King County, the State's largest county, the Court provides interpreter services for over 165 languages. Smaller counties are similarly seeing more diverse and infrequently spoken languages among court participants. They can present significant cost and logistic complications. The Reimbursement Program has helped identify interpreters, certified and trained more interpreters, and created a network between courts to share resources more easily.

“Before the grant, there were constant delays in multiple courtrooms while judges waited for a free interpreter. The grant has helped reduce those waits for the times when we know ahead of time that we need to add a contract interpreter to the schedule. We still have delays on days when an unexpected interpreter issue arises, but it is better than before. If we could have a regular contracted interpreter here at least five to six hours a day, it would significantly increase efficiencies in our courtrooms.”

– Reimbursement Program Court

Recommendations

Based on the research and data collected, the Task Force recommended to:

- 1) **Expand the AOC Interpreter Reimbursement Program** to include new courts and to provide additional funds to existing courts. The Reimbursement Program currently provides limited funds to only 33 courts. No new courts have been able to apply for these funds since the program's inception in 2008. Increased funds will allow more courts access to quality interpretation. There will be a priority in the first year to recruit small and rural courts into the program.
- 2) **Request increased funding to support additional recruitment, testing, and training** for all languages with a focus on rarer language and certified interpreters.
- 3) **Evaluate and test cost savings strategies** such as collaborative efforts with justice partners, online calendaring, and video remote interpretation. Cost saving strategies will be shared with all Washington State courts.
- 4) **Explore a statewide system to provide telephonic or video interpretation.** There currently is no statewide system for telephonic or video interpretation and the national language lines do not have certified court interpreters.

The Task Force determined that the first two recommendations directly related to the Task Force's goal for increased funding and should be pursued and that the other two items could be considered for future exploration.

Budget Request

The Task Force developed and submitted a budget proposal which sought \$2.1 million to expand the Reimbursement Program to help fund additional courts with an emphasis on small and rural courts, increase funds to courts now receiving assistance, and provide additional testing and training for qualified interpreters. This budget request was prioritized by the BJA and Supreme Court and transmitted as part of the Judicial Branch legislative budget submission.

The 2021–23 biennium would expand the Reimbursement Program to urban courts, thus ensuring all courts across Washington have access to qualified interpreters and funds to reimburse a portion of interpreter services.

Communication Campaign and Advocacy

The Task Force developed and implemented a communication campaign and outreach plan. As part of the campaign development, the Task Force identified goals, key messages, and materials and activities to best disseminate messages. The Task Force also developed an outreach plan that identified key stakeholders and individuals, key engagement activities, and timelines to implement outreach activities.

The primary goals of the communication campaign were to convey the importance of meaningful communication in the court regardless of language ability and the need for timely and accessible court interpreter services.

The Task Force developed a web-based Legislative Communication Toolkit including a one-page handout, talking points, and a question and answer resource document. Key legislator contact information, Task Force resources, and outreach ideas were shared with internal and external stakeholders.

Funding Request Talking Points

Increase State Funded Interpreter Program

1. The judicial branch is requesting \$2.1 million for the state Interpreter Reimbursement Program so that more courts throughout the state receive financial help to hire qualified court interpreters. Interpreter services are fundamental to justice, providing the ability for all participants to meaningfully participate in court proceedings.
2. Funding for court interpreters is meant to be a partnership. The legislature established funding for the Interpreter Reimbursement Program in 2008 as a partnership between local courts and the State to provide 50% funding for interpreter services.
3. The program currently provides limited funds to only 20% of Washington courts. It's time to reaffirm our commitment to this partnership.
4. Increased funds will help additional courts, especially rural and small courts, access the program and support interpreter recruitment and testing to increase the number of qualified interpreters.

Increased Demand, Insufficient Local Resources

5. State funding has been flat since 2008, yet a recent study of Washington Courts found that the costs of providing interpreters is increasing. The number of languages courts are facing has increased 30% percent, with one court reporting 165 languages.
6. Small and rural courts often face a shortage of qualified interpreters in their communities, which can lead to unexpected interpreter travel costs that break the bank.

Due Process and Protection of Legal Rights

7. Individuals can face severe consequences affecting safety, health, families, housing, and finances if they're unable to access qualified interpreter services at the needed time in court. Availability of qualified interpreters from the beginning of a case can resolve minor legal issues before they become bigger ones.

8. A recent survey of Washington courts revealed that 59% of courts experienced delays in proceedings when interpreter services were unavailable. Delays cost the courts, community, and individuals. Delays may increase staff, attorney, and jail costs. Individuals may lose work days, struggle to find additional child care, or spend more time incarcerated.
9. Delays can be especially challenging for persons who are low income or who have health and mobility challenges.

As part of the outreach strategies the Task Force reached out to the House and Senate Members of Color Caucus Committees, conducted one-on-one meetings with legislators on the House and Senate budget committees and law and justice related committees, and engaged in email advocacy with legislators after budgets were publically released. Task Force Chairs met with approximately fifty legislators. The Senate and House Members of Color Caucuses included interpreter services as one of their top legislative priorities.

Task Force members reached out to local and statewide stakeholders, advocacy organizations, interpreter groups, the court community, and other legal and non-legal organizations. The Task Force communicated with stakeholders through presentations, one-on-one meetings, and various electronic communications.

As a result of the communication campaign, stakeholders included Task Force materials on their website, distributed key information during their own lobby days and listservs, and reached out to legislators in their districts. While the Task Force attempted to track stakeholder efforts, the extent of outreach is unknown.

The Legislature funded the Task Force budget request.

Lessons Learned

The BJA created the Task Force to focus attention on an agreed-upon priority of the courts in a time-limited and task-specific manner. There were many things learned along the way that can help inform future Task Force work. The following are the top lessons learned from this process.

1) Surveying the broader community is helpful to understand better the impacts of the issue.

In addition to surveying the courts, the Task Force also gathered feedback from community-based sexual assault and domestic violence advocates, attorneys, and a small number of court users. The feedback helped tell the story of good and no- so-good interpreter services and how communities benefit from these services.

2) Increased broader stakeholder support is critical to success.

Early on the Task Force received input that it would be important to have broader, non-court community voices advocating for interpreter services. The Task Force engaged with statewide organizations and associations, attorney organizations including minority and volunteer bar associations, advocacy organizations, interpreter groups, and various other court and non-court allies. While the Task Force did have broader community support, additional time would have helped to identify and meet with stakeholders to secure more support prior to legislative session. It would have also been helpful to identify more “champions” to help engage legislators.

3) Coordination of the communication campaign and consistent messaging is necessary.

Developing the communication campaign and outreach plan helped focus efforts and activities with key stakeholders. The data collected helped to communicate better the impact of interpreter services on individuals, communities, and courts and the need for more funding to address these impacts. The identified core messages of timely and accessible interpreter services provided the foundation for the talking points and other outreach resources. The resources developed helped ensure that everyone was delivering consistent messages about the need for additional funding. Different strategies for outreach provided more options to garner support: face-to-face meetings with legislators, email communications with legislators and key stakeholders, providing resources to groups to engage with their constituents and elected officials, and presentations to key stakeholders. It would have been helpful to identify earlier members of the Task Force or broader stakeholder groups who could help coordinate activities with specific groups.

4) Realistic and clear funding strategies are key.

The Task Force refined their budget request to expand an already existing program and maintain the 50% reimbursement component. This reinforced the partnership between local and state government in supporting these services. The budget request clearly laid out the implementation of funds over a four-year period while initially prioritizing small and rural courts that have fewer resources.

While the above strategies were successful in securing funding, other factors may also have impacted the success of the Task Force. These included: previous funding requests for

interpreter services created historical knowledge of the issue; the funding request was realistic in asking for half of the costs needed to bring interpreter funding to all courts and expanding an existing program; the make-up of the Senate and House changed with the recent election and the Member of Color Caucuses included interpreter services in their legislative priorities; and the current national attention on immigrant issues.

Regarding the Task Force make-up and timeline, it would have been helpful to have additional time to collect data, develop the messages, identify and engage stakeholders early in the process, and develop the budget package. Furthermore, membership could have been expanded to include more advocacy groups, legislators, and court users.

5) Staffing support is critical.

Having engaged and committed policy staff to assist with all aspects of the Task Force was a critical factor in our success. Ensuring that these efforts remain staffed will be an important component for future efforts.

Moving Forward

There are several remaining considerations that resulted from the Task Force work. The Task Force recommends that the Interpreter Commission and Reimbursement Program determine which, if any, of the remaining items outlined below have merit for further consideration or exploration.

- 1) Continue to gather court, community groups, and court user feedback to evaluate interpreter services and funding outcomes, and identify remaining needs.
- 2) Identify ongoing data needs to help support continued state funding for interpreter services.
- 3) Evaluate and test cost savings strategies such as collaborative efforts with justice partners, online calendaring, and video remote interpretation. Cost saving strategies will be shared with all Washington State courts.
- 4) Explore a statewide system to provide telephonic or video interpretation. There currently is no statewide system for telephonic or video interpretation and the national language lines do not have certified court interpreters.

Critical data points should be identified, developed, and incorporated into the revision of the reimbursement online application and reporting mechanism. This data will help demonstrate how the increased funding is being used and its impacts.

The Task Force met their goals and concluded that any work moving forward can be completed by the Interpreter Commission and/or Reimbursement Program.

