

LANGUAGE ACCESS

LANGUAGE ACCESS: CONSIDERATIONS & RECOMMENDATIONS FOR ADVOCATES SUPPORTING SURVIVORS OF VIOLENCE

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INTRODUCTION

Interpreters fulfill a critical duty – to place limited English proficient (LEP) individuals on an equal footing with individuals who are fluent in English. To ensure meaningful access, LEP survivors must have access to trained and qualified interpreters. Furthermore, advocates, interpreters, and court personnel need to better understand everyone’s roles and responsibilities in order to effectively collaborate on and ensure proper access.

For immigrant and deaf and hard of hearing survivors, **language privilege can be a key aspect of the power and control abusers utilize.**

Language privilege may result in abusers utilizing their language skills to deny information or access to resources, to confuse survivors of their options for safety and legal recourse, or hamper a justice system process. Abusers with English language fluency may also seem more credible in every system encountered. For such reasons, **language access services are critical to ensure survivors have a fair chance to convey their experiences and access justice.**

An interpreter can make it possible for a survivor to communicate fully— and make possible “the ability to truly have clients understand the implications of their case to their lives”.

Recognizing the need to provide qualified interpretation services for LEP survivors, the Office on Violence Against Women (OVW), a component of the United States Department of Justice, provided grant through its Translators and Interpreters Services Initiative to improve accessibility of program services. The four programs selected to participate in this initiative represented a diverse range of languages, populations, socioeconomic status, and service areas including urban and rural areas with varied language needs. Below is a description of the participating agencies:

Legal Aid of the Bluegrass (LABG) provides civil legal assistance to low income and other vulnerable populations across a total of 40 counties in Kentucky, two urban (Covington and Lexington) and the rest are rural, including Appalachia.

Legal Services of New York City provides free civil legal services in the five boroughs of New York City.

Mosaic Family Services is a multiservice agency that provides services to refugees and immigrants in the Dallas/ Fort Worth metroplex, which includes 12 counties in North Texas, and services include case management, shelter, counseling, legal services, and prevention programs.

SafeHouse of Seminole County, located in Central Florida, provides services to victims of domestic violence, including: emergency shelter, counseling, visitation, crisis hotline, court advocacy, prevention, and outreach; SafeHouse's service area is Seminole County, located in Central Florida.

This technical assistance (TA) Brief is based on the experience and knowledge gained through our work with these four programs during the initiative. To expand support for LEP survivors, this TA brief provides considerations and recommendations for program implementation and developments within anti-violence and legal services agencies. This TA brief aims to enable LEP survivors to better navigate the significant challenges faced, strengthen our advocacy, and further equal access to justice.

Executive Order 13166

On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. For information, guidance, and technical assistance on the implementation of LEP services, visit <http://www.LEP.gov>.

DEFINITIONS

The following core definitions will assist you in comprehending language access issues:

According to the U.S. federal government, an individual who is **limited English proficient (LEP)** includes, “Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or ‘LEP.’ These individuals may be entitled language assistance with respect to a particular type of service, benefit, or encounter.” These entitlements for language access services emerge from **Executive Order 13166, Title VI of the Civil Rights Act of 1964** which works to prevent discrimination based on national origin, the **Americans with Disabilities Act**, and **Section 504 of the Rehabilitation Act**.

‘Deaf’ (with an upper case ‘D’) refers to an identity with its own culture, language, and diverse communities; **‘deaf’** (with a lower case ‘d’) refers to a physical condition/impairment. Deaf and hard of hearing protections most often appear as a disability issue rather than a language access issue. However, many in the Deaf community see it as a language access – not a disability – issue.

Interpretation is the process of orally rendering spoken or signed communication in one language into spoken or signed communication in another language. An interpreter is a trained professional with the requisite multilingual skills, experience in interpretation techniques, knowledge in specialized content areas and technical terminology, and who is a neutral third party that effectively facilitates communication between two or more parties who do not share a common language.

Translation is converting written text from one language into written text in another language. The term for translating American Sign Language is **glossing**.

STATISTICS

The population and diversity of LEP individuals in the United States has increased substantially: between 1990 and 2010, the LEP community experienced more than 80 percent growth. Now nearly 1 out of 10 U.S. residents is LEP. According to a LEP Data Brief by the **Migration Policy Institute (MPI)**, “In 2010, LEP individuals accounted for 25.2 million, or 9 percent, of the U.S. population over age 5.”

Table 1. Top States for Number of LEP Residents, 2010

STATE	POP (in thousands)
CA	6,868
TX	3,359
NY	2,458
FL	2,112
IL	1,158
NJ	1,031

Analyzing U.S. Census Bureau and Census Bureau American Community Survey (ACS) data from the past 20 years, the brief reports, “The highest concentrations of LEP individuals were found in the six traditional immigrant-destination states – **California, Texas, New York, Florida, Illinois, and New Jersey**...These states each had 1 million or more LEP residents and together represented 68 percent of the total LEP population.” Not only did states with significant LEP communities experience increase in LEP populations, states in the South and Southwestern U.S. where LEP populations had previously not been so prevalent also witnessed dramatic growth. For example, the MPI data analysis shows **Nevada, North Carolina, and Georgia** experienced remarkable nearly 400 percent increases in their LEP populations between 1990 and 2010.

Furthermore, the MPI data analysis demonstrates that Spanish-speaking LEP individuals rank highest numerically at 65.5 percent of the U.S. LEP population. Yet, Chinese, Vietnamese, Korean, and Tagalog were the next four prevalent language groups at 6.1 percent, 3.3 percent, 2.5 percent, and 1.9 percent of the LEP population respectively—statistics significant for Asian & Pacific Islander communities and service providers.

Table 2. Top Languages Spoken by LEP Individuals, 2010

LANGUAGE	NUM (in thousands)
Spanish	16,524
Chinese	1,548
Vietnamese	836
Korean	635
Tagalog	489

The **Gallaudet Research Institute** provides a brief summary of estimates for the population of deaf individuals in the U.S. According to its analysis of available data from the National Health Interview Survey (NHIS) and the Survey of Income and Program Participation (SIPP):

- About 2 to 4 of every 1,000 people in the United States are “functionally deaf,” though more than half became deaf relatively late in life; fewer than 1 out of every 1,000 people in the United States became deaf before 18 years of age.
- However, if people with a severe hearing impairment are included with those who are deaf, then the number is 4 to 10 times higher. That is, anywhere from 9 to 22 out of every 1,000 people have a severe hearing impairment or are deaf. Again, at least half of these people reported their hearing loss after 64 years of age.
- Finally, if everyone who has any kind of “trouble” with their hearing is included then anywhere from 37 to 140 out of every 1,000 people in the United States have some kind of hearing loss, with a large share being at least 65 years old.

Given these statistics, we know that an increasing number of interpreters and translators will be required to support diverse survivors of violence. Furthermore, based on data from a national survey of court interpreters conducted by **Sakhi for South Asian Women** in 2008 entitled **Talking the Talk**, a majority of interpreters have provided services for matters related to domestic violence, sexual assault, and child abuse: 80 percent of the 157 survey respondents had interpreted in order of protection hearings in the criminal justice system, and 74 percent had interpreted in similar hearings for the civil justice system. Yet, data also show that a vast majority had received no training in at least one of these three critically-sensitive types of cases: only 35% reported training received in domestic violence, 24% in sexual assault, and 17% in child abuse. However, a solid majority of court interpreters expressed interest in getting training in these areas: 59% in domestic violence, 64% in sexual assault, and 67% in child abuse.

ANALYSIS

1.

Assessment

In order to develop appropriate language access services, an internal and external assessment is vital. Despite the presence of challenges or limitations, each agency can strive to serve LEP survivors more effectively. Through this TA brief, we aim to get you started with language access services or build on your current plan.

For agencies looking to begin implementing language access services, the [Asian Pacific Institute on Gender-Based Violence](#) has published a Tip Sheet, “Developing a Language Access Plan for Your Agency” — an essential foundational resource. The following considerations mark arenas for cross-stakeholder assessment prior to developing or expanding your agency’s language access services. Through charting responses to the questions under each section, your agency can move forward to choosing appropriate services to design, implement, or build into your organization’s services delivery system.

Considerations

A. Assessing the Level of Assets and Potential in the Organization, Partners, and Community:

- What are your agency’s current strengths in serving LEP survivors of violence?
- What languages do you frequently see are needed for interpretation?
- How do you currently serve an LEP individual? How are these modes of service working?
- What is your agency’s history of providing language access services?
- Does your agency have a policy on language access or what strategic goals has your agency developed which link to implementing and/or enhancing language access services?
- Is your agency offering language access services informally and, if so, can more formal parameters and consistent guidelines for these services be developed? What resources (personnel, skills, knowledge, technology, etc.) does your agency have in delivering language access services?

- Do you have partners or collaborators who specialize or have expertise in language access services? If yes, can one of their staff members help provide assistance or mentor your language access services development?
- What community assets exist? Can any of these assets help bolster your language services capacity? What relationships with community members and community-based organizations do you have and can any of these relationships support language access services development?

B. Assessing the Needs and Gaps in the Organization, Partners, and Community:

- What are your agency's current gaps in serving LEP survivors of violence? What internal limitations exist? What resources (personnel, skills, knowledge, technology, etc.) does your agency lack? Does your agency have gaps in its policy or goals on language access?
- What gaps do you witness in your partnerships that may impede language access services? Are there collaborations that need to be developed or made more effective?
- What community limitations exist? What language diversity and specific challenges exist? Does the community face overarching barriers (i.e. anti-immigrant policies or lack of access to transportation) or other external challenges that affect access language services?

C. Assessing Current State of Interpretation Services/Language Access in Community and Agency:

- What interpreter and translation services are available in your agency, community, partner agencies, and region?
 - ▶ How reliable, competent, and qualified are these services?
 - ▶ Do these providers train their interpreters on issues related to domestic violence, sexual assault, stalking, and/or child abuse?
 - ▶ What does successful interpretation or unsuccessful interpretation look like in your jurisdiction?
 - ▶ Who offers interpreter trainings or professional development sessions in your region?
- What agencies can you use as models or work with, if needed, to **develop best practices, resources, and collaborations?**

Based on your responses to the above assessment questions, you can develop a staffing “menu” to address and evolve your capacity for language access services. In light of goals, needs, and resources, an agency’s method for provision of language access can include a range of options from professional staff to contract services including the following options:

1. Staff

- **Bilingual staff:** Staff members who have general fluency in two languages but do not possess the professional skills of an interpreter (which thus limits their role in legal or quasi-legal contexts)
- **Staff interpreters:** Certified and/or qualified interpreters whose professional skills are based on extensive education, training, and experience as well as commitment to an interpreter canon of ethics and ongoing professional development

2. Contract interpreters

- **Contract interpreters:** Individual professional interpreters who are paid per assignment to interpret in person or remotely over the phone or via videoconferencing
- **Interpreter banks:** Interpreters recruited, trained, and registered as part of a pool of experienced, skilled, and trained providers for community organizations, firms, universities, or comparable institutions

3. Methods of interpretation

- **Telephonic interpretation:** Professional interpreters often working through a contracted company to provide interpretation services over the phone
- **Relay interpretation:** An interpreter utilizing a relay mode of interpretation. Relay interpretation involves using more than one interpreter to act as a conduit for spoken or sign languages beyond the understanding of a primary interpreter. During relay interpretation, at least two interpreters are used. An interpreter (the ‘intermediary’ interpreter) interprets from one foreign language (e.g., Mixtec or Japanese Sign Language) to a second foreign language (e.g., Spanish or Japanese). A qualified interpreter (the ‘primary’ interpreter) then interprets from the second foreign language (in this example, Spanish or Japanese) into English.

- **Video Interpretation:** A professional interpreter, who provides off-site interpretation services through use of cameras or webcams connected by phone or internet services (in order to receive both video and audio through the equipment)
- **Assistive technologies:** Assistive technologies, such as Communication Access Realtime Translation (CART), may enable access for the LEP, deaf, deaf-blind and/or hard of hearing individuals

Recommendations

The goal of these planning considerations is to identify both the impetus for agency program development as well as barriers, resources, and models for change and support. In this vein, the following recommendations may be helpful:

- A. Benchmark where you are and where you would like to be in your language access services.
- B. Be accurate and specific in your assessment. A clear assessment will lead to a better plan and timelines while enabling feasible execution.
- C. As is feasible, involve multiple stakeholders in this assessment. Stakeholders can include survivors, direct services staff, attorneys, senior staff, operations staff, interpreters, community members, and other parties relevant to your agency.
- D. Undertake this assessment in the manner most feasible for your agency: the assessment can occur in one meeting, focus groups, or via an online survey depending on the time and resources available. Utilize a tangible tool and timeframe so that your assessment phase is a launching point – without being overwhelming and resulting in a stopping point. **The assessment period is designed to provide valuable input for your program development but not stymie your planning and implementation before it even begins.**
- E. Be aware of and mark specific challenges. For example, rural environments may face increased paucity of certified interpreters than urban areas. As a staff member at Legal Aid of the Bluegrass in Kentucky ascertained, “This is a rural area, and that means that a rural non-English speaker has even fewer resources than in urban areas. Often our clients relied upon us as their single interpreter service, calling us for help with many other community issues besides the legal issues. Serving a non-English speaking community in a rural area is time intensive as a result.” Being aware of specific community data and resources – or lack thereof – will further a more targeted and appropriate response because you will be aware of the scale of need as well as options.

2. Developing a Language Access Plan or Program Enhancements

Now that you have your assessment data gathered, parse the data into what is usable and actionable. You may have gathered a range of valuable data. But not all of this feedback can always be incorporated simultaneously. Aim for change while avoiding pie-in-the-sky plans for drastic, overarching changes that prevent any change at all from taking hold. Rather, mark out when program implementation and/or improvements can occur so that change is seen as demonstrable and within reach.

Considerations

In the effort to mark out program improvements, the following activities can be helpful:

A. Prioritizing Goals and Responses:

- Can you augment effective language access work that your agency, partner groups or community is doing?
- What is the most critical and urgent need reflected in your assessment? Is there a way to address this need?
- What other needs or goals were outlined in your assessment? Determine which goals are within reach – those that could be implemented with some effort– as well as stretch goals.
- What is the most viable avenue for feasible program growth? What program enhancements have a clear process and the required resources for incorporation?
- For which goals are other resources required?
- What is the staff readiness to incorporate the above goals? What goals are most sought by your core stakeholders and why?
- Thinking of timelines, what program enhancements need to be incorporated before others can be rolled out? Is there a natural sequence of actions that should be taken in order for the services to be organized, structured, and allow for growth?

Based on the above, chart out which program responses are necessary, feasible, and desirable in addressing the goals to enhance language access services. Then rank these defined goals in terms of desired order of implementation.

B. Setting a Scope of Plan:

- After identifying the top 1-4 goals for language access services enhancement, decide if multiple enhancements can be rolled out or whether one key, pivotal goal should be the focus.
- Decide if each program enhancement requires collaboration and external partnerships or can be undertaken within the agency.
- Consider piloting the chosen enhancements for a test period. If the program development is piloted, over what period will it be and how will feedback be collected?
- What staff and/or constituents and/or other stakeholders need to participate in the roll out of the program? In monitoring the benefit or efficacy of the program enhancements?
- What sustainability requirements need to be considered to ensure the program developments are able to take hold within the agency as an ongoing practice?

Based on the above charting of factors, determine a **scope and range** of program enhancements.

C. Creating a Workplan and Timeline:

- Develop a workplan. This workplan should include what the activities are, who is executing them, how the work will be documented as well as what resources are available and needed for the activities within the goals.
- Decide what timeline is feasible and necessary. Consider other competing deadlines and demands within the agency. Chart out which benchmarks (such as number of survivors served, interpreters trained, etc.) should be attained and at what time. Identify who will be responsible for reviewing the workplan and making modifications to it and the timeline as needed.
- Agree on implementation, evaluation, and monitoring methods and go for it!

Recommendations

The purpose of these workplan and timeline development considerations is to **identify goals and what is currently actionable within the context of your agency.**

In this spirit, the following recommendations may be helpful:

- A. Focus on what is already working and what can be improved in these arenas.
- B. Choose goals that are within reach and have staff buy-in and resources – or a plan of action to ensure buy-in and resources.
- C. As you enhance your access through concrete steps, simultaneously develop a long-term vision with stretch goals. This enables each step not to be seen in isolation but as part of a larger mission in your services delivery and advocacy.
- D. Ensure there is a system for benchmarking and seeing how the program developments are working. With monitoring, not only can program growth be celebrated – we should celebrate our hard work for change! – but, additionally, adjustments can be made so as to deepen impact and/or safeguard valuable resources. An attorney from SafeHouse shared the agency’s openness to embrace learning and modifications in order to find the right strategy, observing, “In the beginning, SafeHouse worked to screen existing Spanish-speaking advocates to become trained, tested and ultimately certified. The concept was sound, however we learned that working toward certification was a full-time job!...Realizing the initial plan of utilizing advocates on staff was not working, we switched gears to looking for someone already certified or nearly certified.” These insights remind us to be flexible in our plans and approach and understand the limits within and outside our agencies – even as we work to bolster language access services.

3. Implementation of Your Language Access Enhancements

Now that you've done a concerted assessment and mapped out a plan of action, you're almost ready to go! But before you execute, take the time to review core staffing and training needs to make sure you have the strongest base of resources possible. In every program, the actual service is vital and so is its coordination – our means to the end. The following points will help you to ensure that a strong process and infrastructure can assist you in ensuring optimal outcomes.

Considerations

The following components will help assist you in ensuring the efficacy of your language access services and program enhancements:

A. Resources Management:

- Can you include a **staff position for managing interpretation services**? This staff member can ensure the day-to-day program management and development such as:
 - 1) Interpreter recruitment and assessment;
 - 2) Scheduling of interpretation services;
 - 3) Payment of interpreters or interpreting agencies;
 - 4) Support for language access budgeting, documentation, as well as grant proposals and reporting;
 - 5) Communications within agency on language access services;
 - 6) Trainings set-up for staff on interpretation and for interpreters on interpreting for survivors of violence; and,
 - 7) Troubleshooting and development of current and future program enhancements.

A separate language access services management position – whether part or full-time – ensures that someone will not have to choose between client work and language access services coordination. A separate budget for a staff coordinator as well as for payment of interpretation services will ultimately ensure that more clients can access interpreter assistance as someone can lead the efforts to assess client language access needs and meet them.

After one legal services agency incorporated a staff member for services coordination, another staff member attested, "Having a dedicated staff person who is available for interpretation and translation is incredible – a person familiar with a client, the general legal issues, the advocacy agenda – that strengthens client confidence and advocacy relationships." Or as a SafeHouse attorney noted practically in light of diverse cases and language needs, "Scheduling must be mastered-ability to prioritize and juggle is critical."

- In other resources coordination, can you pinpoint a staff liaison for grants management? Particularly for government grants, it is prudent to have a staff member with some time allocation dedicated to grant applications, budgeting, reporting, and compliance. Given the complexity, particularly of federal grants, it is vital to have a staff member managing this aspect of the program as well as prospecting for new sources of funding – therefore, ensuring a stronger likelihood of ongoing capacity, funding, and growth for these services.

B. Training Staff:

- Training on language access and interpretation: **All staff should be provided training** on the organization's language access plan, interpretation, working with an interpreter, cultural competence, and working with limited English proficient victims. Emphasizing the need for ongoing trainings, a Legal Aid of the Bluegrass staff member noted, "Training is the key...It is just as important to train the people who are working with the interpreter and with a non-English speaking client as it is in training the interpreter."
- Training on roles: All staff should be trained to understand their roles as bilingual advocate or as an interpreter – and the limits to and responsibilities in each category.

C. Training Interpreters & Interpreter Professional Development:

- Training on the role of an interpreter: It is vital to underscore an interpreter's role including the focus on being a neutral party and not a survivor's advocate.

As a staff member at the Legal Aid of the Bluegrass warranted, “We found it very important that our in-house interpreters participate in some type of training in order to properly provide interpretation services and not cross the line into advising or befriending clients. The affinity for a non-English speaker to look for the interpreter to befriend him or her is an issue to consider. As a result, choosing the in-house contractor carefully and training him or her was particularly important.”

Such guidance is underscored by a former SafeHouse interpreter attesting to the necessity of comprehensive training on roles. “The full-day training on the role of the interpreter is very helpful. It’s amazing how many people don’t understand their role is not to be involved in any way or to change the meaning of something because they think the person will understand better,” she noted.

- Training on domestic violence, sexual assault, stalking, and child abuse: Interpreters working with survivors of violence should understand specific barriers faced by LEP survivors (immigrant and deaf individuals), the dynamics of violence against women, gender bias, and ways in which interpretation can influence a survivor’s safety and case.

After taking part in a training held at LSNYC, one interpreter observed that it enabled a deeper understanding of the scope and consequences of violence, noting, “It helped to understand different intersection of violence including immigration, social and sexual health, trafficking, child witness, etc.; it’s not only physical and documented violence (bruise or wound), there are psychological abusing situation[s].”

Such information can assist interpreters in understanding how to prepare for their interpretation assignments including how to be aware of their own safety concerns and potential vicarious trauma.

An attorney from Mosaic explained how they would prepare interpreters, noting, “Without sharing things they shouldn’t hear, we’d say she’s a victim of a really horrible crime with issues that might involve forced labor or a sex crime. We’d say, ‘Just stop me if you don’t think she understands.’ This helped them have a background and do a better job...They were more sensitive. They were much more prepared for the things we were learning. Others were more shocked by the questions we had to ask.”

Not only did such time spent on preparing interpreters result in better interviews and testimony collection, it also enabled capacity for ongoing engagement in the taxing work our agencies perform. The attorney marked this retention, offering, “The interpreter we utilized the most fell in love with our work because she felt she made a difference in the work we do. Others felt they couldn’t come back again because the stories were hellacious.”

- Training on legal interpretation: Interpreters should be able to know legal terms and have a glossary for specific terms related to domestic violence, sexual assault, stalking, and child abuse.

D. Client Outreach:

- Ensure that you have methods for reaching LEP communities with linguistically-appropriate materials or through partnerships with culturally-appropriate community agencies. In addition, as you begin work with LEP clients, ensure your agency has a method by which you provide information to clients on the role of an interpreter and how to communicate through one.

“It becomes really easy to forget to communicate back to the client,” observed an attorney from Mosaic. “That’s where there’s a fall-through – not always explaining back to the client in a comprehensive, quick way. Having the same interpreter across the case helps eliminate that problem.”

E. Interpreter Outreach:

- Ensure that your plan of action includes **methods for recruiting** interpreters in the key languages your agency serves or hopes to serve more effectively. It’s vital to note that there is a paucity of qualified interpreters for this work. As a SafeHouse attorney described, “Interpreters possess extremely specialized skills. Finding qualified interpreters presented as extremely difficult, both with proper qualifications and willingness to learn the dynamics of domestic violence...Interpreters as a group may see themselves as officers of the court, even as staff of the domestic violence service provider.” This insight demonstrates the complexity of navigating recruitment and interpreter roles – including the complex professional ethics that must be weighed from the field and our own institutions, underscoring the need for setting clear guidance and roles for all staff as well as interpreters.

Recommendations

The goal of these implementation considerations is to ensure that your language access services are efficient and effective – and that someone is in charge of spearheading this success. In this spirit, the following recommendations may be helpful:

- A. Work to **understand interpreter qualifications and best practices**. This will ensure effective recruitment and use of funds for interpreter services. As one SafeHouse attorney notes, “Recruitment and salary requirements should be researched specific to the region prior to making decisions. Also, always have a back-up plan.”
- B. Maintain guidance or **standards for interpreters in a legal setting outside the courtroom**. Because a non-courtroom context does not have the protocols of a courtroom, it is even more critical to ensure processes for safeguarding clients and their rights. Both the [API-GBV Resource Guide](#) and the [ABA Standards](#) listed in the Resources section will assist in providing detailed guidance on this aspect.
- C. Make **plans for trouble-shooting interpretation sessions and interpreters** through the process. Unexpected situations may arise but a trouble-shooting capacity enables staff to address concerns or needs quickly so as to have as little impact on a survivor’s case as possible.
- D. Have a **clear process for complaint for faulty or unethical interpretation**. Ensure that all staff as well as interpreters know and understand this process. Take time to incorporate trouble-shooting and warnings as steps prior to the complaint mechanism. In this vein, you can both ensure appropriate LEP services while recognizing room for agency, field, and interpreter professional development.

4. Evaluation and Monitoring of Your Language Access Plan or Program Enhancements

Whenever we implement program changes, we want to know that our efforts are making a difference. We need to ask: Is our plan working? Or, more specifically, **what is working and what is not working?** Through ongoing staff surveys or focus groups as well as feedback from interpreters, interpreter agencies, and survivors, you can ensure that your program enhancements are on target or, on the other hand, course-correct as you implement your language access services innovations.

Considerations

The following questions, depending on your workplan scope, can help assist you in ensuring the efficacy of your language access services and program enhancements:

A. Identifying What Is Working:

- What elements have you achieved based on your workplan?
- How have staff and interpreter familiarity with language access matters faced by survivors of violence developed?
- How have staff and interpreter services for LEP survivors of violence developed?
- Do staff work effectively with interpreters? Please explain.
- Is the process for requesting interpretation and/or document translation easy and clear?
- How useful have trainings for language access issues such as serving deaf survivors or conducting outreach in LEP communities been?
- How useful have trainings for interpretation in the context of dynamics of violence been?
- How have staff or interpreters developed and/or altered work in light of language access needs?
- What impact on LEP client cases and lives can you see?

B. Identifying Issues and Steps for Problem-Solving:

- What elements have you not yet been able to implement based on your workplan?
- What challenges and barriers to service are you seeing currently for LEP individuals? Please explain.
- Is the process for making an interpreter complaint – within your agency and externally – clear?
- How do you feel your work is yet hindered in serving LEP individuals?
- What solutions to these challenges and barriers could be implemented?
- In light of limited resources and the current workplan, what addenda or modifications do you believe could be made for your agency to enhance LEP access?

Recommendations

The goal of these evaluation and monitoring considerations is to ensure that your language access services workplan is working. Not only will routine or an annual check-in provide valuable feedback, but ascertaining the responses to these questions will assist in **identifying the progress made as well as taking timely course corrections**. An attorney from Mosaic described their assessment and use of stronger interpreters, remarking, “Not all interpreters are created equal...We were learning that some interpreters are better than others. We ranked the interpreters as we went along...We knew which interpreters that were good with in-office or in the courts. We’d watch an excellent interpreter work with clients and a not-so-good one for clients.”

Ongoing monitoring in this spirit is an opportunity to celebrate, keep strong choices, and continue to utilize slim resources effectively. In this spirit, the following recommendations may be helpful:

- A. Develop 3-5 benchmarks you would seek to track monthly – from number of LEP clients served to number of interpreters utilized to count of languages accessed. (Ideally, some of these are the benchmarks you may have utilized before implementing your plan so as to have a pre- and post-plan measurement.) Whatever your core benchmarks are, track them deliberately and regularly so that you can utilize the information for evaluation, reporting and furthering a case for LEP services expansion!
- B. Mix quantitative data collection with qualitative data (such as narratives of outcomes or anecdotal testimonies). Narratives from staff, survivors, and interpreters can help you not only see the difference you are making but feel – and communicate – the profundity of the impact. Such information, whether attributed as anonymous or by position or by name, can help inform other agency staff, community members, media, and the general public of your vital work!
- C. Involve your base of stakeholders in an annual feedback opportunity, if feasible. Having varied sources of feedback can help contextualize what is or is not working as well as given rationale for maintaining or evolving practices.
- D. Take the opportunity to commend those who are helping make the program development possible. Evaluation should be an opportunity to celebrate hard work achieved!
- E. Regular monitoring and evaluation allows for efficient use of resources. Whenever piloting developments in programs, some aspects are bound to develop more fruitfully while others face challenges. If you can keep your eye on the larger long-term goals and vision of your language access services, the challenges can be opportunities to make your work more efficient and effective for the long-run.

5. Working with Partners & Across Systems

Our work to support survivors never happens in a vacuum. In fact, our community organizations have been critical in demonstrating the interconnections bearing influence on survivors' lives and our communities. On a daily basis survivors and advocates must interact with a variety of systems – courts, healthcare agencies, other service providers, etc. As a result, with each of these interactions, the LEP survivor (or advocate) must continue to seek linguistically-appropriate services – or be alienated from available options. For this reason, connecting your agency's services to other systems and groups can expand the scope of access for your clients as well as help to leverage systemic change in order to influence larger groups of survivors.

Through collaboration, both services are enhanced as well as advocacy to improve LEP services generally. In the New York City area, after documenting a number of challenges in LEP access, Legal Services NYC has led advocacy with the police department as well as the Human Resources Administration. As one LSNYC staff member attests, "An overall political awareness of LEP issues has helped inform our general citywide advocacy to expand language access resources for our clients and communities." Such advocacy helped lead to an article in [The New York Times](#) on language access gaps and impacts, in which is observed, "Many government workers fail to offer interpreters, even if people ask for them, and signs and forms in multiple languages are often nowhere to be found, according to people who have sought services and a lawsuit filed against one of the city's largest agencies where the problems seem particularly acute." Through collection of data, deliberate partnerships, and media work, media can also further non-profit goals and LEP advocacy.

The following considerations explore fundamental **partnerships to enhance the efficacy of LEP services**.

Considerations

Strong partnerships take effort to build and maintain. Yet, such effort pays off in greater efficacy of one's work and the ability to leverage greater change – especially in entrenched systems where change is difficult or slow to actualize. The following considerations may help further your work with LEP survivors through productive partnerships with allies:

A. Where is the need for partnership?

- What elements of LEP services access can your agency provide on its own? What services need external support?
- In your experience, what systems routinely pose challenges in terms of access for LEP survivors? What systems offer vital support to LEP survivors?
- Where would community participation help further your services and impact with survivors? Where does community input restrict services for LEP survivors?

B. What can you offer a partnership?

- Do you have expertise, referrals, resources, or other assets to provide to a partnership?
- Do you have unique community reach or media connections that would help in an advocacy campaign or in a coalition for LEP rights?

C. What is the current partnership context?

- Is your agency, or another one of your partners, leading an advocacy campaign or movement on LEP access? If so, can you engage additional partners or provide support?
- Is your agency poised to lead an advocacy campaign on LEP issues? If so, how can you marshal support from other agencies as well as your core stakeholders, government officials, and the media?

Recommendations

- A. Identify the local and state individuals responsible for language access and interpretation in the courts. These individuals may be essential in ensuring interpreters are assigned as well as following up if there is a complaint against an interpreter.
- B. Ascertain the pool of potential interpreters by developing contacts with the local court, interpreter associations, and partner agencies. Getting referrals from other agencies or utilizing the court's pool may help to ensure a seasoned and/or competent interpreter can serve your clients. As an attorney from the Legal Aid of the Bluegrass explained, "Finding court certified interpreters with whom to contract was impractical. The pool of interpreters in Kentucky was not large enough. When we did find a court-certified interpreter, she was often not available when we needed her. We found it more beneficial to use court certified interpreters as translators for simple court documents where they could perform the translation around their other obligations." Such development of partnerships enable services delivery – even in an environment with a paucity of options.
- C. Build coalitions with organizations that share similar goals, challenges, and constituencies.
- D. See your own power in being an advocacy or systems change leader. Mosaic organized an interpreter training for a local anti-trafficking task force emboldening the use of effective interpreters across partner agencies. Their own use of interpreters enabled stronger partnerships and referrals. As a Mosaic attorney reported, "We have also been able to use professional interpreters to check against other interpreters provided by law enforcement or opposing parties in the best interest of our clients and have discovered inaccuracies in several cases. Because we are able to provide a wide range of language interpretation to our clients, law enforcement, nonprofit organizations, and direct victim service providers are more likely to refer immigrant clients to our agency as an additional step toward outreach."
- E. See community advocacy as well as systemic change as part of the work to ensure greater access to support for LEP survivors and community change efforts to end violence against women.

6. How to Utilize or Benefit from Technical Assistance

The work to incorporate language access services and implement a language access plan can be complex – or even feel overwhelming. Nonetheless, there are a number of resources available online and through agencies to offer guidance. Draw upon their knowledge and guidance to make your work more effective and easier.

Considerations

How do you know you need technical assistance (TA)? How do you know when you are ready for TA? Is it best to have TA when you are exploring a project or in the implementation stages? These are all good questions to ask. The following considerations will help you to ascertain if TA is right for you and, if it is, if it's also the right time:

A. TA for Developing Language Access Plans and Services:

- Is there a mandate for implementation of language access at your agency? Is there staff leadership and buy-in? Or does this buy-in need to be developed through TA services?
- Are the constituencies who would benefit from these services clear? Or does this need to be ascertained through the TA process?
- Can local agencies provide examples and mentoring support so that you can avail of informal TA?
- Do you need support from an external, neutral entity to help assess, benchmark, and recommend next steps?
- If TA is decided upon, does everyone involved in the program development understand the purpose of the TA and their time commitment to the process?
- Can the TA provider liaison with your agency on-site so as to offer hands-on support with staff questions, training, documentation, reporting, etc.?

B. TA for Enhancing Language Access Programs:

- Are the program developments needed clearly defined or is this part of the assessment that should occur with TA?
- Does everyone involved in the program design and implementation understand the purpose of the TA and their time commitment to the process?
- Can the TA provider liaison with your agency on-site so as to offer hands-on support with staff questions, training, documentation, reporting, etc.?

C. TA for Evaluation and Monitoring:

- Is the TA provider a neutral third party? If not, are there safeguards to enable neutrality or remove conflicts of interest?
- Is there access to a broad spectrum of stakeholders for gathering input?
- Are the arenas and questions for desired feedback clear or a process for agreement decided upon?
- Is there clarity for what will happen with the feedback once it is collected?

In general, these considerations will not only help to assess the need and opportunity for TA but also drive the process so that it has a deliberate arc and closing point.

Recommendations

Despite its brilliance, a thoroughly-researched report stuck in a drawer serves little purpose. Instead, the following recommendations can offer guidance on how to ensure

- A. Before utilizing formal technical assistance, ensure your timeline has adequate room to allow for feedback and modifications based on TA. In addition, ensure all parties have clarity on the time commitment and skills needed, including ensuring the TA provider is appropriate for your needs. As part of this assessment, **understand if remote TA or expertise is sufficient or whether your agency needs hands-on support locally**. In essence, ensure you can make use of the opportunity for technical assistance.
- B. If possible, have a clear scope of services for TA so that the tasks and desired outcomes are clear for all parties. In addition, the follow-up for TA should be clearly articulated.
- C. Utilize TA to help broker complex dynamics, provide external reflection, and enable your agency to push forward with specific, actionable steps. On the other hand, do not expect the TA provider to do the work for you: keep focus on the role as one of **assistance** rather than substitution for your own agency's efforts.
- D. Draw upon a TA provider's ability to stand outside your agency in order to offer external views, resources, coordination, or recommendations.
- E. Have a plan of action after the TA provision is finished in order to continue program stability and growth including defining who will be in charge of ongoing implementation, monitoring, and troubleshooting.

7. How to Utilize or Benefit From Technology and Innovation

The provision of language access services is complex and challenged by limited resources. **Technology can be a viable option for enhancing LEP access especially when on-site personnel, local contracting, and community solutions are not available.** For rural and remote environments, as well as for deaf and hard of hearing survivors, technology can enable critical access to professional interpretation services unrestricted by geography and time. Furthermore, the use of technology may help to diminish the possibility of conflicts of interest with utilizing interpreter services from local communities. Given the nature of violence against women, technology, if used appropriately, can also help to diminish concerns for safety and breaches of confidentiality.

Considerations

The following considerations will help you to explore the benefits and challenges of various technologies in expanding language access services:

A. Telephonic Interpretation:

- Is it feasible to get a contract with a telephonic interpretation service provider specializing in legal interpretation? Can you share this service with other departments or agencies to reduce costs and build power for interpreter feedback?
- Can you provide cellphones for advocates to address interpretation needs when an in-person interpreter is not available? Cellphones can be used in conjunction with a telephonic interpretation service or an off-site staff interpreter to provide language access when an advocate and survivor are not in the office environment.
- Are your LEP client interactions relatively brief (enough that it is more economical to use telephonic interpreters rather than in-person contractors)? Are your LEP client interactions unpredictable so that having telephonic access would be easier than having to request and schedule – or cancel – an on-site interpreter session?

B. Video conferencing:

- Is there capacity to invest in video conferencing technology at your agency in order to enable remote interpretation?
- Do you need to be able to see an LEP survivor's visual cues in order to effectively communicate the information? With deaf or hard of hearing LEP clients, are they oral communicators?
- Do you need capacity for close captioning or written text?

C. Assistive technologies such as hearing aids or CART (Communication Access Realtime Translation):

- Does the LEP client know a sign language or is written language a better option?
- Would the LEP client benefit from a transcript of the communications?

Recommendations

As with any other form of service provision, technology management is critical. In this vein, the following recommendations may help ensure you optimize technological innovations in LEP service provision:

- A. Assess if the LEP client is comfortable with the technology so that communication can occur and is not thwarted due to the use of technology. Allow the time to build comfort with the technology in your agency and with clients.
- B. Have a staff member assigned to monitor the use of and impact of technology for LEP access. Not only will this help to ensure the use of technology through tracking but monitoring may also enable deeper documentation and reporting for further resources and use.
- C. Provide training for advocates on working with telephonic interpreters, including identifying faulty interpretation, requesting a new interpreter, and preparing the client for working with a telephonic interpreter. Particularly in serving survivors of violence, telephonic interpretation can feel alienating or miss out on visual cues. As an attorney from Mosaic observed, “There is a lot of communication that isn’t oral. There’s an awful lot that is gained by just seeing how your client responds to your question.” With use of telephonic, or other technological modes of interpretation, it may mean that an attorney or advocate needs to pay more – not less – attention to the conversation to note how it is proceeding. On the other hand, use of technology can also help to navigate confidentiality concerns and lack of interpreter access by enabling access to professional interpreters across the country.
- D. If possible, when using telephonic interpreters, request interpreters that have experience in legal terminology as well as cases related to violence against women.
- E. If you have worked with a competent telephonic, video, or relay interpreter, you can ask that the same interpreter be assigned for other interpretation needs in your agency. On the other hand, if you come across an unskilled interpreter, notify the contracting official and request that the interpreter not be assigned again to your organization as an interpreter. “The whole continuity of interpretation makes a difference with the client and the interpreter,” an attorney from Mosaic attested.
- F. Be mindful of the confidentiality and safety concerns when utilizing technology. For example, if using mobile phones or videoconferencing equipment, ensure that conversations are private and in a secure environment.

BEST PRACTICES

Every environment and LEP community can be its own microcosm and in need of unique programs and responses. Nonetheless, the following best practices will stand you in good stead across the spectrum of language access services provision.

1. Know What Interpretation Takes

Interpretation is an art and a skill acquired through extensive education, training, and experience. It requires native-like fluency in both English and a foreign language; knowing the mechanics of interpretation; having training on a range of topics associated with the profession; possessing a technical vocabulary; and, adhering to a code of ethics emphasizing accuracy, proficiency, confidentiality and neutrality. **These skills go beyond being bilingual.**

This means that, when feasible, interpretation service needs are best met by a staff interpreter, with additional language needs provided by independent contract interpreters, and with interpretation programs services administered through an interpretation coordinator who can maintain continuity and quality of services.

2. Know Your Roles

To avoid conflicts of interest, bilingual advocates should serve only as advocates:

- As much as possible, limit the role of bilingual advocates to advocacy, unless the advocate is a qualified interpreter and is not advocating for the survivor.
- Train bilingual advocates on how to educate a court about interpretation and how to say no if requests to interpret are made of the advocate. As a precaution, train advocates on how to limit the interpretation, make an objection on the record, and how to file a complaint in the event that an advocate is forced to interpret.
- Inform clients of the role of the advocate, and if forced to interpret in a court, advise the client that the advocate is interpreting for the court and that any communications with the advocate in this legal context are not confidential.

Know how to work effectively with an interpreter:

- Understand the interpreter’s role as a conduit and communicate this information to your client so everyone understands the roles of each party. Do not ask the interpreter to go beyond the role of an interpreter (i.e. provide legal advice or case feedback or explain legal or agency forms).
- To ensure there is no conflict of interest, check to see if the client and interpreter know each other. If feasible, develop a screening tool to check if the interpreter has interpreted for the opposing party.
- Allow extra time for a session requiring interpretation. Connect with the interpreter prior to the session to go over how communication challenges, should they arise, be navigated. Ensure the interpreter knows how to raise concerns or issues. An interpreter for LSNYC reported, “They allow me to ask question[s] and that is huge to continue my interpreting services effectively.”
- Should there be a problem in an interpretation session, have a plan for how you will address it with the interpreter. Develop a mechanism to ascertain client feedback on interpretation sessions.

3. Establish Standards for the Qualification of Bilingual Staff and Interpreters

Not only is it crucial to assess the proficiency of bilingual staff, language competence and interpretation skills must be evaluated as well. The [Interagency Language Roundtable website](#) offers guidelines for language skills in listening, speaking, and reading as well as interpreter professional conduct and codes. Through the materials from this site, any agency can both administer assessments as well as have a common set of benchmarks and scales for interpretation performance.

4. Develop Tools to Assess the Language and Interpretation Skills of Potential Interpreters

In one recent situation at a legal services agency, a candidate for an interpreter position had extensive experience as an interpreter, including military, medical, and legal contexts and had also written a book on interpretation. Nonetheless, during an interview it became apparent that the candidate, who had over 20 years of work as a Spanish interpreter, was not actually fluent in Spanish. Such examples demonstrate that language certification by companies and universities do not necessarily equate to the needs of court and legal interpretation.

The following strategies can help ensure that your agency also avoids hiring unqualified interpreters:

- Develop an **interpretation exercise** and have the potential interpreter perform the exercise with bilingual staff or volunteers.
- Have interpreters **sight translate** documents in English and the non-English target language.
- Conduct an **interview** with the interpreter in the non-English target language.
- Conduct a post-meeting session with the LEP client using a telephonic interpreter to **assess the quality of the interpreted meeting**.
- **Contract with language-testing agencies** to assess language skill and interpretation ability.
- **Understand that skills and tasks vary in their requirements.** For example, as an attorney from the Legal Aid of the Bluegrass described, “We needed two types of translation services: 1) simple letters and correspondence to the clients; and, 2) complicated court documents. The same translator was not always up to both jobs. We had to make decisions about how to test translation services and who to assign certain translations to.”
- Evaluate potential interpreters on their **understanding of the interpreter’s role** and their ability to follow the court interpreters’ Code of Conduct which includes confidentiality; avoidance of conflict of interest; and, maintaining the interpreter’s role.

5. Know Your Options

Interpreter training programs:

- Interpreter training programs are an excellent resource for identifying skilled interpreters and provide a resource for training bilingual advocates. For example, the New Mexico Center for Language Access provides training for legal and medical interpretation in several languages.

Leverage technology:

- Depending on your constituency, location, or resources, it may be more feasible to draw upon telephonic interpretation or video conferencing or assistive technologies. Explore all the options as you make choices for what works for your region and agency!

6. Know Your Challenges

Interpreter Recruitment:

- **Interpreters have not been trained on working with survivors** of violence and there is currently no widely available training for interpreters on working with survivors. In addition, interpreters may demonstrate gender bias or clients may not feel comfortable sharing their experiences with male interpreters. As an attorney from Mosaic described, “Some interpreters were former refugees and they would have knowledge of our clients separately. Our work is largely domestic violence and violent crimes. Given our issues, it was better to have female interpreters to enable open discussions.” On the other hand, there may not always be a need – or desire – for a female interpreter for every given client. Most important is to be attuned to the client’s need and preference as well as the interpreter’s capacity to work in a case involving violence and abuse.
- **A lack of interpreter training programs** – especially outside major metropolitan areas – is an ongoing issue. Furthermore, not all programs focus on legal interpretation. While web-based programs are available, most are focused on Spanish language interpretation.
- In the U.S., we **lack certification options for interpreters** in most foreign languages and thus have few methods of formal and uniform assessment of an interpreter’s skills. Furthermore, court interpreter certification is developed to measure knowledge, skills, and abilities to interpret in courts. Given this high threshold, the pass rate for court interpreter certification is very low. Relying solely on court certification potentially excludes individuals who can interpret competently during a client intake, but not in the court. An **assessment tool for interpreters in legal settings outside the courtroom yet needs to be developed.**
- The pool of certified and competent interpreters is small. Furthermore, bilingual staff as well as interpreters may prefer working in metropolitan rather than remote and rural areas. On the other hand, in urban areas, anti-violence and legal services agencies compete with the private sector and the courts for bilingual and interpretation personnel.
- Conflict of interest issues arise more easily in remote and rural communities. When an interpreter and a client are from the same close-knit community, it may prevent the client from disclosing valuable information. Creating a clear screening process to prevent conflicts of interest can prevent such scenarios.

- Coordinating and training interpreters takes time as does providing other programmatic services. Having a full-time or part-time staff member devoted to working language access issues will allow continuity and quality of services without competing with other program work.
- Given these challenges, recruitment of appropriate interpretation staff often needs to be concerted and extensive. Keeping these challenges in mind will help to ensure time for finding a strong fit as well as a more feasible timeline for services implementation.

7. Provide Training

- Offer **training for all staff on language access issues, agency policy and processes, and services**. Such trainings can both increase general consciousness of language access issues as well as deepen a practitioner’s approach and understanding. Due to the routine trainings organized by its Language Access Project, one LSNYC staff member noted, “There’s on-going discussion regarding cultural competence and language access, raising awareness of the nuances to this issue.” Another staff member affirmed, “Through training provided by LAP, I more clearly recognized the needs of my LEP clients.” Or as another staff member summed up, “I’m more mindful of language issues; more patient.”
- Offer additional **skills building trainings for interpreters and capable bilingual staff** by identifying web-based or local interpreter training and licensing programs or courses.
- Provide **training for interpreters** on the role of an advocate, interpreting for victims, domestic violence, sexual assault, stalking, child abuse, and dealing with vicarious trauma. Trainings on our work and constituency’s needs can enable interpreters to deepen understanding, give a basic understanding of the cases and dynamics of survivors of violence, and enable stronger interpretation. It can also be an opportunity to underscore the deliberate nature of interpreting in difficult contexts.

After attending a LSNYC training, one interpreter modified future interpreting sessions by setting clearer ground rules, attesting, “I set the ground rule that I need to ask question if I don’t understand; I listen very carefully before interpreting any words or subject/issues.”

- Offer **additional training for non-certified interpreters** including the professional code of conduct for court interpreters; working in the simultaneous, consecutive, and sight translation modes of interpretation; legal terminology; interpreting in a legal setting and the court; and the role of the interpreters and advocate.

8. Build in methods to ensure client confidentiality

Given the nature of serving survivors, take precautions to assure client safety and confidentiality. Steps can include:

- Having interpreters sign confidentiality agreements; and,
- Ensuring translators return any work materials and products prior to payment for services.

9. Start where you can and collaborate

Create a tiered model of interpretation based on the interpretation skill needed in a given situation. For example, the level of skill needed for interpreting in the court is different from what is needed to conduct an initial intake. Rather than focusing on a need for tremendous resources, maintain standards and protocols to ensure clarity of process, services, and trouble-shooting.

For new programs, know the elements of language access services include interpreter services coordination; staff assessment and training; interpreter evaluation/complaint process; interpreter training; interpreter and translator services assessment; and, general trouble-shooting. While one agency does not need to coordinate each of these aspects, these elements should be part of the spectrum of service providers within a system of language access.

For example, Mosaic contracted with a for-profit interpretation provider service of a non-profit. Through this service partnership, Mosaic was able to get access to a set group of approved interpreters, a reduced rate for working with their clients, document translation based on time, and a method for data collection driven by the contracted company through its tracking of work conducted and payments needed. Through collaboration amongst agencies as well as businesses and the courts, different entities can be responsible for distinct program and client needs. More than doing it all, having a strong network of collaboration can enhance the efficacy and efficiency of your language access services delivery!

Tips on serving communities – including rural communities – from an attorney at the Legal Aid of the Bluegrass

- Court certified interpreters are a good first choice for interpretation services, but they are not the only choice nor might they even be available. Thus, prepare a screening, training, testing protocol and decide on the service levels that the people you find and train, including volunteers, are capable of providing.
- Test translation companies. Do back translations.
- Have language skills tested by a trusted source. This can be done should be done by an individual either virtually or in person. Do not use any translation software on the Internet.
- Consider the language proficiency of the person providing service in the tasks assigned him or her. Do not just assume that a speaker can translate.
- Learn everything you can about the community you are serving, including dialects, etc. Look for innovative ways of serving the community. While an in-person interpretation is best, a telephone interpretation with your own staff people or someone you trust is better than an outside telephone interpreter service, but always have an outside telephone interpreter service available because providing language access may require many approaches in a rural area.

FINAL LESSONS

Each of the four pilot sites in the OVW Special Initiative on Language Access had different journeys in their evolution of language access services. Yet all of them did enhance their programs and found this initiative – and the funding – pivotal. A LSNYC attorney credits the OVW grant-funded work as essential for furthering their language access services delivery. She noted, “Given feedback on the project funded by OVW, we centralized all requests for interpretation/translation services. With the assistance of The Center for Urban Pedagogy, a nonprofit organization that uses art for civic engagement, the Language Access Project designed a pocket pamphlet that LEP individuals can carry with them informing them and others of their language rights in NYC.” Furthermore, the program evolution includes fresh policy advocacy. She added, “A new lawsuit was filed on behalf of 6 LEP women and Violence Intervention Program against the NYPD for its failure to provide language services to DV and crime victims and to provide access to police services.”

In a parallel vein, another agency found the grant funding enabled making and building language access relationships that continue to be essential. “We established positive relationships with professional interpreter agencies. Because these relationships are already established, we do not find ourselves scrambling to identify resources when we do need to use professionals. One of those agencies lowered their rates because they respected our work and reputation,” remarked an attorney from Mosaic.

Despite these evolutions and persisting services, after the closing of this special language access initiative, agencies reported a “dire need for funding” across the board. Some of the impacts of closing the initiative included down-sizing from 1.6 staff to less than one person dedicated to language access; shifting from an in-house part-time interpreter to contract interpreters; hiring professional interpreters only for court hearings; and utilizing an ASL interpreter once a week only. An attorney from this last agency underscored the importance of ASL services while sharing, “We are taking it out of general revenue as we are missing specific funding for that service. It’s worth the money but it adds up to about \$5-6K a year and we’re feeling that expense as an out-of-pocket expense versus a grant-paid allocation.”

After the closing of the initiative, agencies have:

- Worked to incorporate staff who are multilingual in open positions;
- Utilized telephonic interpretation with bilingual paralegals or outside vendors;
- Continued to train staff and external agencies on language access needs and mandates;
- Hired college students; and,
- Drawn upon multilingual volunteers.

Agencies are quick to assess and share the real impacts of these strategies to make up for lost funding. One attorney spoke to the use of volunteers, commenting, "That can weaken our ability to effectively work with clients, depending on the quality of the volunteer. Also, it can affect consistency; when we hired professional interpreters, we could offer the same interpreter throughout the case. In contrast, we may now present the client with several different volunteers as the case progresses."

Nonetheless, agencies continue to demonstrate their determination, flexibility, and creativity in deploying resources to ensure language access continuity. The same attorney as above attested, "We have become very creative in finding interpretation resources. The agency hired a volunteer coordinator who is excellent at tapping local resources and creating meaningful volunteer opportunities. We have several volunteers who come at set times during the week and can be pulled for help as needed. We reached out to the university to find interpreters through the language programs. We find that, if we create meaningful and substantive opportunities for those volunteers to interact with clients, then those volunteers are likely to refer friends and colleagues for volunteer opportunities. We are also more effective at training volunteers and staff to provide quality representation. Because we had the chance to work with professional interpreters for such a long period, we can now identify effective and ineffective techniques. For each new volunteer, we try to give them guidance before a client meeting to explain our preferences. We will also provide feedback during and after the meeting. This internal knowledge is extremely valuable, and we wouldn't have it without the extended access to language funding."

Ultimately, agencies observed that the focused initiative and funding enabled core program developments and learnings they would not have accessed otherwise. As an attorney from the Legal Aid of the Bluegrass summarized, “The final lesson for us was to systematize language access into the program. We used the funding to support our work and train people to work with interpreters and trained people how to interpret so that regardless of whether a court interpreter was available, we would provide access. It is also important to rank people by the skills they have so that we can provide the level of support that is appropriate for the skills. Once funding ended, that was even more important because we did not have funds with which to search for and hire the most fluent people. If we found someone who could speak Spanish, we tested him or her and placed the person in the appropriate role according to the skills.”

The take-away lessons from the special initiative both demonstrate the importance of funding, a need to pay attention to program development, and the numerous creative ways in which agencies continue to enable access to the widest swath of survivors possible.

CONCLUSION

Especially in an environment of shrinking support for social services, pondering expansion of your work can feel daunting. Nonetheless, community organizations and legal services agencies are rising to the challenge of better serving the spectrum of survivors of violence – including LEP individuals. Especially given shifting demographics, we know we must respond to the need we witness and the diversity of our communities.

Speaking to the stronger and more comprehensive services enabled by effective interpretation, an attorney from Mosaic Family Services, Inc. in Texas, observed, “When you have a good interpreter, you don’t feel like you have an interpreter, but you feel like you’re speaking first-hand with the client.” Underscoring the need to build trust, the attorney added, “What we need from our clients is pretty intense. We need to build rapport and trust for their story... You know you’re getting a cleaner better story with a third-party interpreter. Otherwise you’re not getting the whole story.” This work, the attorney concluded, ensures a lawyer’s professional skills development: “You learn how it is you need to talk so someone can portray your meaning in a way that’s accessible to the client. You become a better lawyer.”

Language access is not only a question of fairness but also of justice. As legal services staff members at LSNYC indicated, the agency’s commitment to language access services “allows people with limited English fluency to become aware of the legal process in this country” which results in “the ability to truly have clients understand the implications of their cases to their lives.”

For all of us seeking to further a survivor’s empowerment, language access is a crucial step in enabling voice and power. With its mix of information, options, considerations, and recommendations on language access services, we hope that this TA brief empowers each of you to continue and strengthen your amazing work of empowering survivors and our communities!

RESOURCES

We see this brief as a starting place for your language access services development. Along with this TA brief, the following resources may prove fruitful for your agency. These resources provide information and guidelines about legal guidance, program development, and/or working with LEP survivors of violence.

Governmental & Legal Resources

1. American Bar Association, "ABA Standards for Language Access in Courts." (February 2012) www.americanbar.org/content/dam/aba/migrated/domviol/docs/StandardsofPracticeCommentary82407.authcheckdam.pdf
2. American Bar Association Commission on Domestic Violence. (2007). *Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases.*
3. Civil Rights Division. (2001). *Federal Protections Against National Origin Discrimination.* U.S. Department of Justice: www.lep.gov/resources/lepbrochure.pdf
4. Coordination and Review Section, Civil Rights Division, U.S. Department of Justice. (2002). *LEP Policy Guidance for DOJ Recipients.* www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.htm
5. Federal Coordination and Compliance Section, Civil Rights Division. (2011). *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs.* U.S. Department of Justice: [www.lep.gov/resources/2011 Language Access Assessment and Planning Tool.pdf](http://www.lep.gov/resources/2011%20Language%20Access%20Assessment%20and%20Planning%20Tool.pdf)
6. National Center for State Courts. (n.d.). *Code of Professional Responsibility for Interpreters Serving Limited English Proficient (LEP) Victims of Domestic Violence Outside of the Courtroom and Judicial Settings:* www.ncsconline.org/D_Research/Documents/LEP_AttachO_CodeOfEthics.pdf
7. National Center for State Courts. (n.d.). *Contact Persons for State and Federal Interpreter Programs:* www.ncsconline.org/D_Research/CIConsortContactspage.html
8. Uekert, Brenda K., Peters, Tracy, Romberger, Wanda, Abraham, Margaret, and Keilitz, Susan. (2006). *Serving Limited English Proficient Battered Women: A National Survey of the Court's Capacity to Provide Protection Orders,* National Center for State Courts: www.ncsconline.org/D_Research/Documents/LEP_NIJFinalReport.pdf

9. U.S. Department of Justice, Civil Rights Division. (2004). *Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools from the Field*: www.lep.gov/resources/tips_and_tools-9-21-04.htm

Interpreters and Translators

1. American Translators Association: <http://www.atanet.org/onlinedirectories>
2. Association of Language Companies: <http://www.alcus.org/directory/index.cfm>
3. National Association of Judiciary Interpreters and Translators: <http://www.najit.org>
4. National Association of the Deaf: <http://www.nad.org>
5. Registry of Interpreters for the Deaf, Inc.: <http://www.rid.org>

Asian Pacific Institute on Gender-Based Violence

All of these materials published by the AP Institute on Gender-Based Violence can be found online at <http://apiidv.org/resources/our-publications.php>, in the Language Access, Interpretation, Translation section:

- [Language Access & Interpretation: Resources for Policy, Research, Services, and Advocacy \(2011\)](#)
- [Resource Guide for Advocates & Attorneys on Legal Interpretation for Domestic Violence Victims \(2009\)](#)
- [Tip Sheet: Developing Language Access Plans \(2009\)](#)
- [Tip Sheet: Interpretation Services \(2009\)](#)
- [Tip Sheet: Serving Deaf Individuals with Limited ASL Proficiency \(2009\)](#)
- [Tip Sheet: Working with Interpreters and Addressing Problems \(2009\)](#)
- [Translated Materials on Domestic Violence for Survivors & Advocates](#)
In 30 Asian and Pacific Islander Languages (Updated continually)

Please contact the Asian Pacific Institute on Gender-Based Violence for technical assistance and training requests at 415.568.3315 or info@api-gbv.org. This technical assistance brief can be downloaded from www.api-gbv.org.



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