

**Language Access:**

**Implementing legal requirements within your CCR with limited English proficiency**

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*With Cannon Han, Asian Pacific Institute on Gender-Based Violence*

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- **[Maren]** Hello everyone and welcome to this Rural Routes for Change Webinar offered by Praxis International and the Office on Violence Against Women.

Rural Routes for Change sessions are intended to help you strengthen your rural interagency responses to violence against women. My name is Maren Woods and I'll be hosting today's session. Today's topic is Ensuring Meaningful Access for Survivors with Limited English Proficiency. And today I'm joined by my co-worker Olga Trujillo who's a Senior Program and Training Specialist here at Praxis, as well as Cannon Han who's a Project Coordinator with the Asian Pacific Institute on Gender-Based Violence, to deliver this very important information out to all of you, and so hi Olga, hi Cannon.

- **[Olga]** Hi, Maren.

- **[Cannon]** Hi.

- **[Maren]** So glad you're here with us today. I'm gonna let them introduce themselves further in just a little bit, but first I wanna cover a couple of webinar logistics. If you are participating by audio only today and you have questions or comments for our presenters, feel free to email me those comments at [maren@praxisinternational.org](mailto:maren@praxisinternational.org). M-A-R-E-N.

And at some point we should think about getting a shorter email address so it's not so long to spell out. If you're using a computer and with us by the webinar today, you can Chat your comments or questions into the Public Tab on the screen in the lower left hand corner, most frequently it's in the lower left hand corner of your webinar screen. So, go ahead chat in "hello" tell us where you're calling in from.

Tell us the temperature in your community because we think we might have you beat, well at least this weekend we had you beat most likely for the lowest temperature contest, because we were in the sub-teens over the weekend.

So, go ahead and chat in "hello".

And if you have any technical problems with your participation today during the webinar, or if you need to ask a question privately, you can click on the Private Tab in the Chat window and you can choose who to chat with. I am the Praxis Staff Person that's logged in, you can chat with Olga directly and you can choose participants to chat with privately as well. If you lose connection today to the webinar, you can go back to that initial Join link from the email invitation or reminder that you got yesterday, to reconnect. Or you can email me for help, again [maren@praxisinternational.org](mailto:maren@praxisinternational.org).

And if you have audio problems, you can just dial back into that conference line and I'll type that into the chat again 512-623-5114. Enter# 52533.

Finally, I did remember to hit Record on this session, so this session will be recorded and will be available on our website after today, in a couple of days.

And I'm looking at the degrees people are chatting in 35, 46, 18 degrees, 22 degrees in North Carolina, 232 in Wisconsin, 19 in North Dakota.

Olga, is that a balmy degrees? (laughs) So it's cold, it's pretty cold. Cannon you shouldn't even, degrees in Oakland. Even Cannon's cold today. So, we're gonna bundle up and wrap ourselves up in Language Access and Increasing Accessibility for Survivors with Limited English Proficiency.

And Olga, I'm gonna pass it over to you to take it away.

- **[Olga]** Okay, thanks a lot Maren. Right before we started we were giving Cannon a hard time for complaining about being cold.

So, yeah. (laughs)

So, thanks for tellin' us how cold it is where you-all are. And I'm in River Falls, Wisconsin today, so it's degrees here. So, we're gonna talk about Ensuring Meaningful Access for Survivors with Limited English Proficiency.

And my name is Olga Trujillo and as Maren said, I'm the Praxis Senior Trainer and Program Specialist. And I am an attorney and have been working with domestic violence, sexual assault, child abuse and immigration issues for the past 15 years, either for the Federal government as an independent consultant, or in programs like Esperanza in St. Paul, Minnesota, and now Praxis International in St. Paul.

And Cannon, I wonder if you could tell folks a couple things about yourself and the work that you're doing.

- **[Cannon]** Sure so, hi everyone. My name's Cannon Han and I work with the Asian Pacific Institute on Gender-Based Violence. I'm an attorney by training and I've been doing language access work I'd say for about 15 years. And we have a grant from OVW to assist rural grantees on addressing issues related to language access.

So really, anything that you need related to language access, it's my job to help all of you figure that out today. We will be going over a lot of information today, I don't want you to feel overwhelmed. A lot of people, a lot of programs are working on language access and there are different strategies, different plans. My job is to help walk you through all of that, so this definitely isn't kind of a one-shot deal where I do a webinar and I disappear into the ether. I'm here to support all of you and answer your questions.

- **[Olga]** Great, thanks Cannon.

And so I wanna go ahead and get us started because we've got two attorneys here looking at something that's kind of legal, but we're gonna try to make it interesting for everyone, right Cannon?

- **[Cannon]** No, I'm actually gonna be really boring.

- **[Olga]** (laughs) You're gonna be really boring.

Okay, I'll try to bring the life into it then. (laughs) So, let's go ahead and kind of get started with helping people to understand the problem. Tell me what is language access and why is it so important?

- **[Cannon]** I think a lot of times when we talk about language access we really focus on the legal requirements. And for me, what's really important and what I've found in working with a lot of programs, particularly domestic violence and sexual assault programs, it's about being victim-centered.

And we don't choose who the people are that are coming to us for help. So how can we help victims and survivors if we aren't able to communicate with them? And really we are the first point of contact for them in terms of services. A lot of times whether it's law enforcement or in hospitals, or in the courts, they don't have access and so, how will their voices be heard?

When we talk about language access and why we're doing language access, it really is about the philosophy of service that we have as programs. And an example I like to give around language access that I came across when I was doing legal services, I used to do the mental health hearings at the locked psychiatric units. And for 25 years you'd read their medical report and it says paranoid schizophrenic, catatonic, non-responsive.

And so me as an attorney if I see that diagnosis I would walk up and the client wouldn't respond to me. Well, that's their diagnosis and then I would move on. And in one particular case it was the same thing, paranoid schizophrenic, catatonic, non-responsive. The husband and the husband's family had reported that she had stopped eating, stopped taking medication and they were afraid for the safety of the children.

And so I read that and I said, okay, this is gonna be a quick one for me, cuz she's not gonna respond. And I had read in the notes that she spoke Korean. So, I walked up to her and I said hello to her in Korean, and she looked at me and she said "Hello." And I was looking at the medical records, she's obviously not paranoid, well she may be paranoid but she's obviously not catatonic, non-responsive.

So, I went to the doctor and I said "You've got to read her her rights, "And you actually have to meet with this patient "And talk to her about "Her medical crisis and what your treatment plan is for her. "Because you can't have a hearing to take away her rights "To refuse medication unless you've actually talked to her."

They said "Oh, okay." I left, my colleague came back the next day and she came back really upset because she was like "You know how they tried to serve her with an advisor "Of her medical rights? They chased her around "The locked psych unit and they threw the papers at her."

And so we went back and we were like "You can't do this, you are looking at liability." I was threatening to sue and my boss didn't like that, but that's a different story. I was able to find a social worker who spoke Korean and a week later she came onto the psych unit and we met with the client. She spoke to the client for less than a minute and she looked at me she said "Give me one second, I'm gonna walk to the nurse's station

"And I'm gonna walk back." Now the whole time the client had been refusing medication. So she walked in and she came back out with some medication, and the client looked at her and said "I'll take that, that's my medication." So, the whole time she was refusing because they were offering her the wrong medication. And it wasn't until I actually started doing domestic violence, sexual assault work that it occurred to me that this woman was a victim of domestic violence.

I mean, all the signs were there. The husband and the in-laws were reporting that she wasn't taking medication when in fact they had been withholding the medication. They brought in the children and said well, they're afraid for the safety of the children.

So all of the dynamics of power and control were there but because... Well, for my part I wasn't trained in domestic violence and sexual assault at that time, but because of the language barriers we can see the impact that was having. When the police showed up and they took the report they only took the report of the husband and her in-laws. She went to the locked psychiatric unit, the doctors didn't bother to try to talk to her. They just read the police report and when she didn't respond because she didn't speak English, all of a sudden she was paranoid schizophrenic, catatonic, non-responsive. Because obviously medicating her she's gonna miraculously start speaking English and cooperate and go into treatment. And then we look at the impact that has because then if we had proceeded, the court woulda probly put her on a conservatorship. And then if she had in the future attempted to leave her husband, that conservatorship and the mental capacity, the loss of the right to refuse medication, that would have followed her in any kind of family court proceeding.

So, in looking at language access and why it's important, at each point of contact where a victim who doesn't speak English doesn't have access, who's story and voice can't be heard, has a huge impact along the road. And so, that's why for me it's so important that we look at language access and we work on that.

- **[Olga]** Yeah, Cannon and I can totally relate to that.

I have some statistics for folks, for our participants today, to just kinda get an idea of how large the Limited English Proficient population in the US is. And I relate to it because I grew up in a home where there was domestic violence and sexual abuse, and the one time that I called the police and they came to our home, they couldn't communicate with my father and they couldn't understand my mom.

And so they wanted me to interpret for them, and I wasn't gonna do that cuz I knew they'd, my father could understand what I was saying. So they left and that felt really profound to me. So the experience I had was an experience of being a very, back then a smaller growing community, in a mostly main-stream world of Spanish speaking. And the kind of being invisible. And when I travel around the country right

now and do training for folks on trauma issues, people can learn all sorts of trauma-informed methods but if they can't communicate with the people that they're working with, it doesn't matter.

So, the things that we need to understand is that there is a really large Limited English Proficient population in the US. There's 25.2 million persons over the age of five living in the United States that spoke a language other than English, and/or did not speak English very well. And of those 11,000,000 did not speak English at all, or spoke it poorly. And that's all coming from the Census data from 1990s to 2010. This gives you an idea of the languages that are most commonly spoken in the US. And not every community's gonna have the languages but you have to have something in place in case you do come across. Most communities'll know, you'll have an idea of who in your community speaks those languages.

The thing about language access issues is that if you're a recipient of Federal funding, you have to ensure meaningful access to your programs. And that's under Title VI of the Civil Rights Act which Cannon'll talk a little bit more about.

So, recipients of Federal funds are not allowed to discriminate based on race, color or national origin, and that's where this language access requirement comes from. And then if you think about people who are Limited English Proficient and then you think about domestic violence, there are barriers to seeking help.

So, if people are new to the US they won't necessarily know or have good information about the legal system. There might be some fears about the police or judicial system, and fears of deportation or that their kids are gonna be removed. There are the linguistic and cultural barriers, and then there's the discrimination. And you can really see it kind of in the dialogue of the campaign, and if you can see it there you know that people are able to feel it in their everyday lives.

So, there's a great deal of barriers that people who have Limited English Proficiency kind of face on top of, like when I think if I'm trained as a lawyer and if I get any legal documents, I have to really go through 'em really carefully to understand them and that's with me, English is my main language and having a law degree. So I can't even imagine if I were gonna try to do this, I speak Spanish as well, if I were gonna try to do this in Spanish and try to go through a legal proceeding, or go through a system process, it would be incredibly difficult for me to do.

So anyway, that's just kind of as a why it's important. And then what's interesting, Cannon, is that we're hearing so much about language access but we're talking about the Civil Rights Act that passed in the 1960s. Why are we talking about this so much now?

- **[Cannon]** Well and obviously, in reference to Title VI of the Civil Rights Act, that really is the foundation and you spoke a little bit about the prohibition against national origin discrimination, that's where the language access piece comes in. But tied not just to the Civil Rights Act, is there was an Executive Order that was issued I believe by Clinton and what it directed Federal agencies to do is to help develop plans and a system to provide language access services. But it also directed Federal agencies to ensure that

organizations receiving Federal financial funds were providing meaningful access. And so, for a large part what we're seeing is, and it really is just based on a shift in terms of areas of priority.

Under this current administration, we've seen a really strong push towards compliance for Title VI, and also towards making sure that language access is being provided for organizations. And so, from the different agencies, Office on Violence Against Women, Department of Health and Human Services, we're seeing a lot of interest in providing meaningful access to programs and services, and it's been identified as a priority. And we've seen a lot of efforts on the Civil Rights end where the Department of Justice has investigated courts and law enforcement around the lack of language access and meaningful services for LEP individuals coming into contact.

Another thing is, is we're seeing a lot of, obviously in terms of languages and the United States continues to be a country where many people are trying to immigrate. In terms of why we're talking a lot about it more, we're talking about it a lot more because it's become an area of priority for many Federal funders. Which is why OVW has funded my particular project, the Interpretation Technical Assistance Resource Center, to work with all of you to help develop plans and strategies for providing meaningful access.

- **[Olga]** So for folks that are listening, especially we're talking about people who are in rural communities, who does this apply to? Like when you're talking about Title VI and the Executive Order and OVW, like who does this apply to?

- **[Cannon]** In terms of who it applies to in Title VI, it's tied to Federal funds. So, if you or any agency you're working with is receiving Federal funds, they are required to provide meaningful access to Limited English Proficient individuals. Whether it's rural or urban, also in terms of your coordinated community response.

If programs are partnering with you on a CCR, each of those programs if they're receiving Federal money are responsible for providing language access. The default shouldn't be you as the DVSA service provider to be the language access plan, each component of the CCR needs to have a language access plan and should be providing meaningful access.

- **[Olga]** Alright, so let me make sure I got this straight. So, if an organization only receives some Federal funding to support a specific project or program, are all the activities throughout affected by Title VI and the language access requirements?

- **[Cannon]** That's correct. If an organization, let's say a law enforcement department has received Federal funding to buy bullet-proof vests for their officers, even though it's just that one piece, the whole department and all the activities associated with the police department have to be language accessible.

- **[Olga]** Yeah okay, cool. So, that's really good to know and I think you've answered our question up front, too. So this is basically what you were just talkin' about the entire program is covered if any aspect of that program receives funding. Like you said, like we're talkin' about law enforcement agencies and departments getting a lot of funding for body cameras.

And so, that would mean right, that they would then have to provide language access.

- **[Cannon]** That's correct, so the whole department. And this question actually came up cuz I was working with an agency and they couldn't figure out if their local police department was receiving Federal funds, and Title VI would apply, so what I did is I worked with them and I was able to identify that they had received a grant for bullet-proof vests.

Once they received that funding and accept that funding, everything has to be language accessible. So, they need to come up with a plan so not only the individual walking in to report a crime has language access, but officer responding to a 911 call, when they arrive at the scene as a first responder the individual that they're communicating with has language access also.

- **[Olga]** So, anybody who gets Federal funding and any part of their organization has to do it. So, then what is it that they have to do and how?

- **[Cannon]** The Federal Government's developed a four prong test for agencies in looking at what they're supposed to be providing in terms of meaningful access. It's not the idea that US programs have to provide language accessible services in all languages and we have to translate everything in all languages. What they do is, it is a balancing test. And so, the four things that they take a look at are the number and proportion of LEP persons eligible in your community. The frequency of contact.

- **[Olga]** Oh, sorry. (laughs)

- **[Cannon]** No problem. The nature and importance of the program, and the resources available to the grantee/recipient or agency, and costs. So, those are the things we look at. And one of the things I'd like to point out in terms of frequency of contact, a lot of times you're not gonna see, if you're not providing the service, you're not going to be getting contacts.

So, I encourage programs not to just look at who they're coming into contact with, but to go back to the Census data and different resources to identify what your population looks at.

- **[Olga]** Can I get a clarification then? So, if I'm a domestic violence program and I live in a rural area so I'll just say, if I'm a domestic violence program in River Falls, Wisconsin, and this is a small area, we have like 15,000 people that live here. And so, if most of the people who come to my program or access the advocates in my program, speak English but I know that there are people in this area that also speak Spanish, does that mean I have to provide an interpreter like for Spanish as well? How do I figure that out?

- **[Cannon]** I think in terms of if you know that that you have a Spanish-speaking population, that you need to be prepared and develop a plan to address that. So, whether it's finding an interpreter, a live interpreter or bilingual staff, we encourage programs that have LEP populations if possible to work with bilingual staff. Or using technology, like telephonic interpretation. We've worked with a lot of rural programs and we know it's really hard to find qualified bilingual individuals that can fill staff positions.

And additionally we know it's really hard to find interpreters to come out into rural areas, particularly interpreters that are trained and qualified. In terms of some guidance that we've received from the Federal government, and that's what this slide points to, is that what's reasonable and what's meaningful access is what's expected is they're expecting more. Part of it is also understanding that the expectation is that you know, hey, you have to be able to do it tomorrow.

It helps in terms of your compliance to understand that if you've got a plan and you're working on a plan, that is a very good sign in terms of compliance, if you're worried about whether or not you're in compliance and whether or not there would be an investigation. If you've got a plan and you're working on it and you've got a plan to improve, that's going to be a really good indicator that you're moving towards compliance, or are in compliance.

And the other issue is, is that...

And the second point is that funding isn't going to excuse you from having to provide language access. It's not enough to say that there's no money there. In light of this and the comments from the Assistant General Attorney, a lot of these are directed towards courts and law enforcement departments and prisons because they have, they obviously get so much more money than the programs that we work with, and so that's kinda what we're highlighting. In terms of programs like domestic violence and sexual assault service agencies, it really is looking at what efforts you are making, because we understand that there isn't a lot of funding there.

We also understand that there aren't a lot of language resources in terms of finding interpreters and bilingual staff. So, in terms of rural programs one of the things that you wanna be looking at is what are you doing now and what kind of things can you be doing to improve? Also, we want to make sure that when you're submitting grant proposals to include a line item for interpreters or translators, or for a pay differential to help hire and attract bilingual staff.

- **[Olga]** I know you're gonna get into more practical tips later. Some of our rural communities are in counties or cities or states where there are English-only laws. If someone lives in a jurisdiction where they've passed an English-only law, does that mean that they don't have to comply

with the language access requirements?

- **[Cannon]** In these instances, Federal law obviously trumps State law, so despite any kind of local or state English-only law, if the agency is receiving Federal funds, they have to comply with Title VI and the language access requirements. That's the big caveat. If we're looking at an agency that's not in compliance, you really do have to connect that to some type of Federal funding.

- **[Olga]** So then, what does this mean for people and their CCRs?

- **[Cannon]** In terms of for CCRs, it is really about working with your partners to ensure that there's meaningful access throughout your coordinated community response. And it is looking at your own agency to see what you're doing, but also looking at law enforcement and prosecutors, courts, probation, hospitals, social services, public benefits, whoever your partners are in the coordinated



community response. Making sure that each of them are aware of what their obligations are under Title VI and around language access.

But also moving beyond just Title VI but about having that philosophy about being victim-centered and really how can you serve victims and survivors if they can't communicate with you? And also, I just kinda wanna highlight that this isn't just about me telling you "Okay go to your CCR and you've gotta tell them." Part of my job is to help you work with your CCR and address these issues.

So, if language access isn't a priority in your CCR, we can do some thinking around who can we connect with in your CCR and provide some training and tools and resources so that they understand the need for language access, and how can we coordinate services? The great thing about having a CCR is what can you do to pool your resources to provide better language access, because a lot of hospitals have interpretation services.

How can you tap into that? How can you tap into the courts and their interpreters? So, it really is about kind of working together, all of us working together to highlight the importance of language access in the CCR, and developing strategies to help address the need.

- **[Olga]** So, if I were part of a community CCR and I wanted to bring this issue up, would it be possible to get training from you for our CCR, and for you-all to help us develop a plan?

- **[Cannon]** Oh definitely, that's what I'm here for. And it's also a question of identifying what would be appropriate in terms of who the biggest obstacles are, if there are any obstacles in the CCRs. We work very closely with the Department of Justice, and so if it would be more compelling to have a DOJ attorney do a Title VI compliance training for some of your CCR partners so that they kind of get, so there's somebody that has a little more leverage than us, we can work with them to put on those trainings.

We work with law enforcement and court personnel to do trainings around language access and the importance of language access. So, that's definitely something we can figure out together. And we also have a lot of model language access plans, and later on we're gonna talk a little bit about different ways that programs have been trying to address the language access need.

- **[Olga]** You mentioned courts and I thought maybe we could talk a little bit about courts and then see if folks have questions, and then go back to the practical guidance that you have. What does this mean for courts?

Do they have to provide interpreters?

- **[Cannon]** So for courts and what we've seen, cuz there have been several letters from the Department of Justice directed at different State courts, what we're seeing and what the Department of Justice is telling us is that courts have to be providing interpreters at no cost to LEP individuals to all criminal, civil and court annex proceedings.

So, if it's connected to the court in some way, whether it's at the Clerk's desk or it's, there's a court-ordered mediation and the mediation is managed by the court, or even just in terms of civil cases. Or in juvenile proceedings, the courts had to provide interpreters for LEP parents in juvenile proceedings.

So, what we're seeing is really strong language from the Department of Justice around what the requirements are for the courts. But what we also know is that not all states are complying with Title VI

and so some of the work that we do is working with agencies around addressing non-compliant courts and strategizing around that.

If your courts are charging individuals for access to civil courts, in terms of charging individuals for interpretation services, they're not in compliance.

- **[Olga]** And so then--

- **[Cannon]** So really--

- **[Cannon]** Oh go ahead.

- **[Olga]** No, no go right ahead. I was gonna ask you about the skills and stuff.

- **[Cannon]** And so what we look at and the reason why we're including the knowledge, skills and abilities for interpretation in the court section is that the courts have actually established a standard for interpretation. Outside of medical, there really aren't any accepted standards, so we rely on the legal standards for interpretation just because so much of the work involves legal rights and working in the court.

First and foremost is native-like proficiency in both languages. And that's actual native-like proficiency, and you don't wanna rely on self-identification of native-like proficiency. I remember when I first started doing legal services they kept asking me "Well, you speak Korean, right?" Cuz they wanted to include Korean as a language of service and I kept telling them "No." "I'm not fluent so I can't assist a client."

Every day for about three weeks they kept coming to my office and I finally told them "Listen, I can ask where the bathroom is "And I can order off a menu, but there's no way "I'm gonna be able to help a client in Korean."

So, native-like proficiency. Knowledge of a broad range of vocabulary. And cultural nuances, proper pronunciation, various regional accents and dialects, and ethical standards. The big ethical standard obviously would be confidentiality and avoidance of conflict of interest and bias.

And so this helps provide a framework for what an interpreter should be able to do. In the added context of domestic violence and sexual assault, interpreters have to be comfortable with terminology. They have to be comfortable about the female and male body parts. They have to be comfortable with the terminology in sexual assault and domestic violence.

But also, they can't be biased. We did a recent training where a certified court interpreter, when my colleague was talking about training them and saying you had be comfortable saying vagina. If you cannot say penis and vagina, you should not be interpreting in a domestic violence or sexual assault case. And this interpreter came during a break and accosted, verbally accosted, my colleague saying "You say vagina too much. I would never say vagina. "You say vagina too much, I would never do that. "I'm okay with porn, but you say vagina too much."And we're sittin' there thinkin' what the heck?

What are you getting porn from us talking about domestic violence and sexual assault? And this was a certified court interpreter, so it's not just the language piece that people need to understand, but it's also being able to interpret in domestic violence and sexual assault cases. Making sure that an interpreter's, it's really challenging if your interpreter is either a batterer or a victim. There are a lot of different pieces that come into play particularly when we're talking about interpretation for victims of domestic violence and sexual assault.

- **[Olga]** Great, thanks Cannon. I'm gonna check in with Maren and see if there's any questions. Maren's monitoring the Chat for us, and seeing if there's any questions that folks have. I have noticed people had a couple comments about languages that they speak, and they still look for professional interpreters.

Any questions, Maren?

- **[Maren]** Yeah, just that one comment came through. I have some questions but I think you're going in this direction, Cannon and Olga, about in really small rural communities where that rural reality is just ever-present which is everybody knows everybody. There's no such thing as confidentiality, and then you're talking about an even smaller population. And I'm thinking about the person, Sanda, who made the comment about speaking Serbo-Croatian fluently, but asking for professional interpreters. It's quite likely that person's gonna be a relative or a very close family friend. What implications does that have for the values and the principles of doing really good, clear, impartial sort of interpretation?

- **[Olga]** It's totally takin' us right into the realities like, so how do we do this? When you examine rural communities, you know, who's there and what businesses are there. So what do you do, Cannon?

I'm glad you're answering this.

- **[Cannon]** Yeah, it's really hard. There's no single solution that works for everybody, and it's about being adaptable and looking at the resources. And once again, let me just to restate that I'm here to help all of you figure out how to get this done. This webinar I'm probly not gonna give you the answer on how you'll do it, but I'm here to help you all figure it out. And it is really challenging because there are limited resources in terms of people that have language fluency or have interpretation skill.

Additionally, you face the added challenge of working with very small communities where everybody knows each other. And so it is really important. So, going back just really quickly, it's really important to explain to people okay, this is what an interpreter does, this is what you have to be able to do.

At the very start in terms of when you're talking to somebody whether you're going to be using them as bilingual staff or whether they're going to be interpreting you need to assess their language fluency. So, don't ask simply:

"Hey, do you speak this language?"

"Are you fluent?"

But ask more detailed questions like "Are you able to understand:

"Basic directions and instructions?"

If they're going to be hired for a particular job, looking at their job assignments and asking them can you complete your job, your employment requirements, what your duties are in both English and Spanish?

Are you familiar with different forms and styles of speech? Can you tell jokes and do you get puns? So, being very specific and asking specific questions when you're looking at assessing language fluency. And just to let people know, the Federal government came up with something called the Interagency Language Roundtable and it actually created standards around language fluency that are written out so that it isn't that kind of vague are you fluent or how well do you speak.

And so generally what we encourage people to do is if you're hiring bilingual staff or you're looking at working with somebody as an interpreter, that they be at at least a level + in both listening and speaking. That's able to understand the essentials of all speech in a standard dialect, including technical discussions within a special field; has broad enough vocabulary that rarely has to ask for paraphrasing or explanation; does not understand native speakers if they speak very quickly or use some slang or dialect. And the reason why we included + and not is because we also understand that finding somebody that is at a level is very difficult. And so, accommodating it based on the resources that you have available to you.

- **[Maren]** Say Olga and Cannon before you go to the next slide or the next section, another question did come up in the Chat. And she's clarifying, and I think this is a point that's really worth clarifying and making sure that our listeners are really clear about is as a non-profit agency, do we have to provide an interpreter to help a client file a domestic violence protection order?

- **[Olga]** Oh yeah, that's a really good question.

- **[Cannon]** Yeah, that's a really good question and you all are really gonna like my answer.

From a legal standpoint, the answer is it depends. (laughing) So and then, everybody's gonna hang up on me now, but it really depends because on one hand it's about the philosophy of your organization and providing services for victims. But from a legal standpoint you're looking at the four prong analysis.

So let's say that... In terms of looking at it let's say if you have a significant Spanish-speaking population, then from a legal perspective it would be well, your population includes a significant amount of Spanish speakers, so you wouldn't be in compliance because if you look at the number eligible for services, and then the resources available, they're gonna say you know what, being able to access assistance in filing a domestic violence protection order is an essential service and you have a significant population of Spanish-speakers. So, looking at the four prong analysis, with those facts you would probably have to provide an interpreter for that client to assist with the domestic violence protection order. On the flip side looking at the procedures is this filing inside the courtroom?

Because if it's inside the court or if it's at the Court Clerk's desk, let's say they have a domestic violence clinic at the court, then it would be the court's responsibility to provide an interpreter to assist somebody to fill out that paperwork. Now let's say you're providing the service in your offices and somebody that speaks Mixtec shows up and you have no Mixtec population, you have no idea how to find a Mixtec interpreter. In terms of from a compliance standpoint, because the language is so rare and you're not getting regular contacts, and if it isn't a significant portion of your population, I don't believe that you would be in violation of Title VI if you weren't able to provide that service. But I would encourage you to at least attempt as part of your language access plan to at least help that person find resources that they could access. But I don't think that if their language was so rare and the contact was so rare, and also the cost of finding somebody to provide that interpretation service, could potentially you know, you'd be spending your whole budget to find that interpreter, right? That in turn would probably not result in a Title VI violation.

- **[Olga]** Cannon, so the idea is if there are people in their community, in their serving area, if there's a population that speaks a particular language that they need to be prepared to have language access. And that could be a bilingual, bi-cultural advocate, it could be that they hire an interpreter or they could use a language line, right? So any of those things, or even like don't some programs kind of like help each other out through like a memorandum of understanding? You know, call us when you have these languages, and we'll call you when we have these languages.

- **[Cannon]** Yep, some programs have done that. Another thing that I've seen a lot of some programs have success with is creating volunteer interpreter pools. Providing training for people in the community who are interested, but also college students, law school students and tapping into them to assist them in providing language access.

- **[Olga]** And then the Language Line, the really cool thing about the Language Line, they can be expensive but, then if you get somebody that comes in that speaks Mixtec or Arabic, and you just don't have anybody and you don't know, the Language Line could actually provide that kind of help, right?

- **[Cannon]** That's correct, and I just wanna add very quickly, Language Line is a company, so if you're looking for a telephonic interpretation company, don't type in language line because you'll just get Language Line.

- **[Olga]** Just that one company.

- **[Cannon]** Yeah, and there have been complaints about Language Line, there are some other companies that people have used. But Language Line it's kind of become like Q-Tip, right? Everybody says Language Line and understands, but if you're looking for a telephonic interpretation company and you're doing a search, the first thing you can do is call me and say "Hey, what are some of the companies that are out here?"

And I can send you some of the companies. But also, if you're gonna just do a general search, you know you type in telephonic interpretation and that's what you wanna do.

- **[Olga]** Rodney, you're were talkin' before we got this question, you were talkin' a little bit about assessing your bilingual staff.

- **[Cannon]** Yeah definitely, it's one of the things that come up because... When we've done trainings this issues has come up several times where people, younger people are hired and they speak the language but they speak, the example that comes to mind is they speak Spanglish. And so it's kind of street Spanish that they've picked up growing up in Oakland, right? And they communicate and they're fluent in their household, but then you have somebody that's a victim that's coming from Central America who's older. This story was relayed to me where they had been working with an older victim for a couple 15 years and one day the victim came in and she was just really upset and she said, and they thought they were doing great, but she said "The bilingual staff person that you hired "Has been so disrespectful to me." They had been working with this client, but she never felt comfortable enough to say anything.

And in the meantime, they're working with this person and everything, they thought, was going fine. And it came down to when you just kind of ask if you're fluent, people are gonna say "Yeah I'm fluent, I've been speaking Spanish my whole life." But that's not necessarily what we mean by fluency.

And so it's being able to break it down and really figure out a way to assess it.

- **[Olga]** You know what's interesting, I always remember this. When I was right out of law school, I was working at a large law firm and I was representing someone in a Grand Jury. And she was from El Salvador and she really only spoke Spanish, she understood English. And we got her an interpreter, but the interpreter spoke like a really, really high-level kind of high-class level of Spanish. And the witness didn't feel comfortable with that interpreter. So, it's just there's all these little nuances to interpretation

and finding people who other people would feel comfortable with. She felt much more comfortable with my Spanish than she did with the interpreter's Spanish. And that's a scary situation cuz this is a criminal court proceeding. I was probably more fluent back then than I am now. But in a legal proceeding you wanna have a certified interpreter.

- **[Cannon]** Well and also a qualified, competent interpreter, whether they're certified or not, would understand in terms of register. And they wouldn't be changing the level of the language when they're talking.

So, this particular interpreter when she's speaking to the client... In terms of, she shouldn't be elevating the language that the client is using. It's also a reflection of the attorneys. Cuz if the attorneys are speaking at a very high level, it's not the interpreter's job to then explain or lower the education level of what's being said, right?

So, it's also an education point for attorneys. I mean we like to talk, we like to show off that we went and spent three years in hell, going through law school and this is what we get, and so we're gonna talk and use Latin and big words and cite statutes and things like that. But it really is an education point for attorneys, and people that work with interpreters say "Hey, you have to know who you're talking to "And make sure they're able to understand you." So in the same as way if I'm speaking at a very high level in English to a client, who may not be understanding what I'm saying, then that's on me, right? So in turn, we have to treat it the same way when we're working with an LEP individual to make sure, as the attorney, as the person using the interpreter, to make sure that the communication is going well and to check in with the client.

- **[Olga]** So then, one of things that you-all do... Well you've developed a guide for kind of assessing someone's language skill. You actually help people to... So if somebody comes in, they don't know what language that that person is speaking, and you have tools and stuff for that, right?

- **[Cannon]** Yeah and so there are different ways to, resources out there to help programs that are looking at assessing language ability and also tools for helping programs identify language. The first tool that we have is the interagency language roundtable self assessment. Once again, that was an assessment that was developed by the Federal government, and it's a scale, it's from one to five, and it goes from I can order off a menu, to level five which would be something like I can give a presentation to the United Nations on the effects of radiation on recombinant DNA, mitochondrial something, something.

So, it breaks it down so that people really understand what you're getting at. And we encourage programs to use this tool because it's in English, so it's universally applicable, but also you can incorporate different pieces. You can say I am familiar with domestic violence terminology, or I am familiar with the Power and Control Wheel. So, incorporating different aspects of what would be required for somebody that needs to be in terms of language. But also, a lot of times when programs are working with volunteers, they're English language learners, so if they're having difficulty answering, checking the boxes for the interagency language roundtable, then you can also get a sense that they may not have the appropriate level of English fluency to work as an interpreter. Some programs have developed language fluency tests internally, so we have some samples of those, if people are interested.

Having bilingual staff assessed using glossaries and dictionaries, just kind of like in grade school when you had spelling tests, having people writing in English and then having people explain what the term means, but also having it in the target language and having the same kind of explanation, have them write out an explanation of those different terms. Using articles and text in the target language.

A great website is the BBC website, they have news articles that are in English but they're also translated into different languages. So you can give them a, a news article that's been translated into Spanish and you would have the English equivalent and then you would have them translate the Spanish article into English and you'd get a sense of what terminology they're familiar with and the level of language skill that they have.

Colleges and universities and community colleges have language programs. I remember when I was an undergrad and I took the Korean class, they made me take a language fluency assessment. I was found to be very, very basic, so they put me in Korean I. Go into your local college or university and say "Hey, I know that you offer courses in these languages, "Do you have assessment tests?" Would it be okay if we sent some people over "To take your assessment test?" And obviously, the final option would be paying for professional assessment.

- **[Olga]** Okay, and that would give you an idea. That would give you an idea whether the interpreter that you're using was a good interpreter, or whether the staff that you have the skills for that, right?

- **[Cannon]** Yeah, and you're just looking at language skill. So I'd say if they have the level of fluency that you need, then you work with that. But also, it kind of gives you a framework, because we don't always get the ideal, particularly in rural communities. You're not gonna get the perfect person that's perfectly bilingual and can understand several dialects and speak slang, but it gives you an idea of what you're working with and then you can kinda shape how you're gonna provide language access based on that.

- **[Olga]** Alright, so like one example is if you have somebody in a rural area who is bilingual but maybe not completely fluent, maybe they can't do the glossaries and dictionaries, or do the article, maybe they're not that good, or they don't pass the college/university assessment. But then they could get 'em training, right? To strengthen their language skills and to learn to be an interpreter? Is that an option?

- **[Cannon]** That is an option. One of the things that we've developed and we've worked with programs is we worked with some interpreters and they provide a up to three-day, we like to have three days, but they do a training on interpretation skills building for bilingual individuals who are interested interpreting.

One of the challenges that we frequently have is that there are a lot of training programs that are web-based or at colleges or universities for Spanish interpretation and translation. But for other languages there aren't that many resources out there, and so what we try to do us we take this training and we go over the ethics and what the expectations are for interpreters. And what we also do is we work with them on practice skills, building up to the ability so that you can interpret. A great thing about that training also is it helps people understand what their limitations are as interpreters.

If you have to have more pauses because the person doesn't have as much skill, so it'll take a little longer. If you find out hey, we've got an interpreter in this language and it's a really hard language to find, but they're not so great so you're gonna have to maybe say one or two words at a time, stop to let the person interpret and then catch up.

Once again, Identifying what tools and resources you have and then working around what's there, as opposed to trying to say "Oh, we want this "Ultimate, only court certified interpreters working." We know that doesn't work. So, it's figuring out what you have and working with what you've got.

- **[Olga]** Great, and I know you've got a lot more tips for participants so I'm gonna get outta your way (laughs) and let you go through 'em.

- **[Cannon]** In the little chat box I'm gonna send a link to the interagency language roundtable. That includes the scale that I mentioned and also the assessments. So, there's three assessments on speaking, reading and listening. Those are the assessments that talk about, ask the questions about I can order off a menu, or I can ask for directions, to I can do a presentation to the United Nations.

Those are great tools and resources. And also, in terms of the skill level description, that's a great starting point for you to think about what your needs are around language access. Whether you're hiring bilingual staff or you're looking for interpreters, but it also provides a framework for you to think about what level of resources you have both locally and in terms of thinking about well, if we can't do it locally, how can we use these resources to... Whether it's telephonic or video, or it's connecting with an agency in another state, how can we use these resources to most effectively provide language access?

- **[Olga]** Cannon, you know I said oh, I'm gonna leave you alone so you you can get through this information that you've got for folks, but we have a question and I think you might have a better chance, I'm not sure.

So, there's a question by Lisa and she's sayin' "There are some telephonic interpretation sites "That are better than others "And that are good and not so costly." And I thought maybe you could say something a little bit about that, like what's the scale in terms of how much they charge. And I think she has a question about if they're interactive or not. I'm not sure exactly what that is, but do you?

- **[Cannon]** In terms of telephonic interpretation it does vary. What I can do is once we're done with the webinar I'll go through and I'll see if I can find just some price guidance. But it does vary from region to region, state by state and from language to language, but I've got some material on some price breakdowns, so I'll pass that along so that you can then pass it along to the webinar participants, it'll kind of give you a framework.

In terms of if one company is better than the other, I've heard complaints about all the companies. Some have better feedback than others. I think there's Language Line, Alpha Language Services and Pacific Interpreters, and I'll be happy to pass the information on these companies along. But those are the three I've come across most frequently in terms of telephonic interpretation companies that agencies have worked with.

And it really is a matter of kind of working with and educating staff on working with telephonic interpreters, and I'm more than happy to talk to all of you about. And we do provide a training on working with telephonic interpreters for staff. Like in spoken language interpreter, there's always a potential, even with telephonic and spoken language to come across an interpreter that's just not competent, or just straight up misogynistic, paternalistic jerk that you don't want to be working with.

And so it's working and developing strategies to address those particular problem interpreters. In terms of costs, the smaller the organization the more it's gonna cost you. And so, what we've seen and what we recommend as a model is some agencies have been able to work with their cities or hospitals to be included in the city's contract for telephonic interpreters so that they get the city-negotiated rate because the city is much bigger.

We've seen that done in Philadelphia and I think New York and a couple other states. Another model that we're really excited about, and I think there's a slide on it, is in New Mexico. The New Mexico State Coalition has a fund, has a grant that is specific to paying for interpreters and translators. And so, the State Coalition, because they received funding, it's actually a specific funding grant that is administered



through the State Coalition where they pay for telephonic interpreters and translators and it's billed directly to the Coalition.

And that's actually funded through a I believe a VAWA and a VOCA grant. One of the things that we can talk about and if anybody's interested in, we have a great working relationship with the state funder in New Mexico, and she's done a couple trainings for us on how she's worked with the State Coalition to create this fund that agencies can tap into. And so, rather than you pulling it out of your line item for telephonic interpreters, the Coalition would be paying for that.

So, if there's interest in that please let me know and we'll work on coordinating something. Or you know, Olga, if you feel like this is something that we wanted to do just in general for the rural grantees is to have the New Mexico funder come in and do a webinar about their program and how they made it work, I think that would be a possibility.

- **[Olga]** Yeah, that's a great idea. You know, I'll just say, too just so, if folks are in Florida, the Florida Coalition Against Domestic Violence also pays for access to telephonic interpretation. It's not as developed as the New Mexico program so they don't pay for people on site, but they do pay for the telephonic.

So, it is a trend I think, to try to get coalitions or people on the state level to pay for that through either VOCA or VAWA funds.

- **[Cannon]** And it's also great cuz the New Mexico funder she told me she knows all the other state funders cuz they all have their annual meetings. And so she said "You know what, "If you want me to talk to 'em and connect them." She's more than happy to do that, she's a great resource.

- **[Olga]** Wow, what a great idea. We have about seven minutes left. No we have about nine minutes left, Cannon, to be exact. And we have a question that I kinda wanted to get to, it may mean that you may not be able to get to all the slides that you have, but I think this might be an important question for folks to hear the answer to.

So can an advocate be a certified interpreter and still be an advocate? Or would they then just be an interpreter? So, what kinds of confidentiality and you know, issues come up there?

- **[Cannon]** I think what we strongly encourage programs to do is if you've got an advocate that the advocate has their role as an advocate and wears their advocate hat, it's always separate from interpreter. Because there are significant issues around confidentiality. If you're in court and you're certified as the interpreter in court, if you're appointed as a court interpreter, then you are actually an officer of the court, so anything that is said in court by the victim, and in this particular case what could happen is you're the victim's advocate and a lot of information, and the victim is relying on you because you're their advocate, states something that is confidential. But because you're now the court interpreter, you have an obligation to interpret that because you are no longer, the court doesn't view you as an advocate, the court views you as an officer of the court. Additionally, issues could come up because if the client makes a statement in court and you know that it's a lie, the client has essentially perjured themselves and you as an officer of court, would have an obligation to point that out.

So, we really discourage programs from having advocates wear those two hats at the same time.

- **[Olga]** Great, so then I wonder if you couldn't talk, I'm gonna advance us along to some of the models that you've seen people use to try to deal with the shortage of interpreters and the cost.

- **[Cannon]** In San Francisco the Asian Women's Shelter was recruiting bilingual women in the community to serve as language advocates. It's very similar to the promote these programs that we see a lot in the Southwest, where people in the community, women in the community are being recruited and they get training on domestic violence and sexual assault and they assist clients in the target language.

In the Asian Women's Shelter model the advocates, so they're not staff advocates, they're just on a call-as-needed basis. And so, in this particular case in San Francisco they are paid \$15.00 an hour when they work with staff or clients, and so that's one model that we've seen in various iterations of that type of model where bilingual women in the community are recruited to either volunteer or in this particular case, are being paid to advocate for LEP women. In DC what they did is they actually worked together to create a Community Legal Interpreter Bank. And so, what they did is they developed standards in terms of what they wanted from the interpreters and they actually developed a training program that would build up their skill in providing legal interpretation.

And so, this created a pool of interpreters that were then in terms of, then shared within the community to provide interpretation. Now, this is a model that works really well in a city like DC, because you have a larger community and you have more languages and resources to tap into. But for a rural program, it may be a little more challenging to pull in and identify people that have the requisite interpretation experience to then train to work with clients.

But once again, it's looking at what resources you have both within your community, in your coordinated community response, in your universities, and looking and thinking of ways that you can develop the resources that you need to provide services.

Whether it's identifying and developing language skills for individuals that might be bilingual advocates, or working with people interested in doing interpretation and then asking us to come out and do the interpretation skill building training for people that you've identified that would be interested in interpretation.

And another project that we came across that one of our consultants actually worked with is the Summit and Lorain Project. And what they did is they developed a model language access plan for law enforcement, and that's actually a great tool, and if anyone is interested in it please let me know, I'd be more than happy to pass it along. It's kind of dense, so I didn't include that because in my free time I like to read statutes and language access policy and procedures for law enforcement, but I don't imagine all of you have this resource.

But I like it a lot because they actually developed a table and the table it identifies the different types of law enforcement interactions that could occur, and what the appropriate level of language resource, whether it's interpreter or bilingual staff, or telephone interpretation, or cards, language cards. It just identifies what the appropriate resource is that should be used. So, it's a great tool and it's a great way to engage law enforcement on language access and say "Hey, there's some great resources and tools."

And also, we work with several police officers from different states that do a lot of work around language access and cultural competency, U visas. One of the officers, she's actually a detective in Idaho, and so she's done a lot of work in terms of rural communities and she's a really great resource on both language but also cultural competence and working with immigrant and refugee populations.

So, if you've got challenges around law enforcement and you need some help thinking around that, how to engage it, we'll definitely follow-up. We can talk about that and do some thinking around that, Olga and myself and the people that we work with.

- **[Olga]** Yeah, and you know I just wanna say two things real quick. One is that people in the Chat are interested in the tool, and I'll just say that Bonnie Beth said she's a legal geek, too. (laughs)

So, I just thought you'd like that, Cannon.

- **[Cannon]** We can all get some hot cocoa and read it together.

- **[Olga]** Exactly! (laughs)

And we only have a minute or two left Cannon, but I think this next tool if you could just kinda talk a little bit about the VITA tool that I've heard you talk about before.

- **[Cannon]** This is something that we're really excited about. The United Nations created something called the Victim Translation Assistance Tool. The goal of the tool is to identify victims of trafficking. So, this is something that we're looking at as a model for other types of things we would like to develop, but it's been translated into languages and it really is a great resource. And it's freely available and the link that you see there, you just hit that link and you can actually download it and actually work with the tool.

And what it does is it asks questions and the responses would be in a yes or no format, and these questions are used to help the interviewer identify if this particular person is a victim of trafficking and needs assistance. And so, the other thing I like about this tool is how it breaks out language identification. So, even if you're not serving victims of trafficking, you could actually use this tool to assist you in your offices on identifying language. And it's much more comprehensive than just like the I Speak cards that we see. And so Olga, if you could move to the next slide. And so, what it does, the languages, there's a pull-down menu, you can identify language just from the pull-down menu where it's spelled-out. Obviously not everybody is literate and so if you move to the next slide, they did other things as well to help people identify language.

So, they have a world map. Unfortunately, I am geographically stunted so this probably wouldn't help me, but some people would be able to look at a map and say "Oh yeah, I'm from this area." And you could actually break down and identify language that way. And another thing that they do is they have flags, so if they can identify the flag it might help you narrow down the language and identify the language.

And the next couple slides show how the program works. And so, what it says is please don't be afraid. We will not investigate you. We are concerned about your health and safety. So that's in English. And then the next slide it's in Spanish. And the idea is the person will hear it, there's an audio, and there's also a written. And then the idea is then the person would respond to that, essentially say if the answer is yes, you raise your right hand. If the answer is no, raise your left hand. So, these are all yes or no responses. And it's great because the person, you don't have to speak the language, but you're able to based on these questions, identify victims of trafficking. But then once again going back, not just limiting that it's a free resource that you can use to help identify languages in your offices.

- **[Olga]** Okay, so I have a feeling that lots of people are gonna wanna reach you. People will get a copy of the PowerPoint and Cannon's contact information I think is on there, right Cannon?

- **[Cannon]** Yeah.

- **[Olga]** Okay, and so he's with the Asian Pacific Institute on Gender-Based Violence. There are other resources as well, The National Center for State Courts, The National Latino Network of Casa de Esperanza. And Vera Institute of Justice has done some work around language access and law enforcement and then also does a lot around language access and the deaf community. So, we are out of time. Cannon, thank you so much for being part of our webinar today, and I have a feeling we may be coming back and asking you for more. But thank you.

- **[Cannon]** Yeah well, you know me being trapped inside cuz it's so cold, I wouldn't know what else to do with myself. So, I appreciate you calling me and having me present today.

- **[Maren]** We need to stay busy in the winter season, don't we?

- **[Cannon]** Yeah.

- **[Olga]** Yeah! (laughs)

- **[Maren]** Well, thank you so much to both of you for sharing your insights and expertise and experiences. Bonnie Beth thinks you're funny, Cannon. And yes indeed, we'll be sending out materials after the webinar, it might not be today, it might be tomorrow, but very soon we'll be sending out the materials and some of the other resources that Cannon mentioned during the call. When you close out of the webinar today you'll be directed to an evaluation for today's webinar. Please, please, please take two minutes and fill out that survey, it really does, we really rely on that information to help improve our programming and to get ideas for future topics. So, please take just a few moments to fill that out.

And in the spirit of our founding Director, Ellen Pence, who is no longer with us, just remember, somebody or something out there probably loves you and if it's not your mother, get over it.

(laughing)

It was a joke that she delivered really well and I'm working on my delivery so you can give me an evaluation comment on how I did. Okay, just kidding. Have a great day everybody, we'll talk to you soon.

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