

Collaborating for Equitable Language Access for Survivors of Sexual Assault: (3) Interpreting for a Forensic Interview




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- Upon attending the course in its entirety and completing the course evaluation, IAFN members will receive a certificate that documents 2 hours of nursing continuing education.

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LEARNING OUTCOME

Participant of this webinar will have an increased knowledge of the forensic interview process and the considerations and guidelines for working with interpreters, including formulating a comprehensive working agreement between CACs/MDTs and interpreters



Poll Question

Have you ever worked with an interpreter during a forensic interview or professional setting?



Acronyms/Terms



- CAC: Child Advocacy Center
- MDT: Multidisciplinary Team
- FI: Forensic Interview
- MOU: Memorandum of Understanding

Child Advocacy Center (CAC) Clients

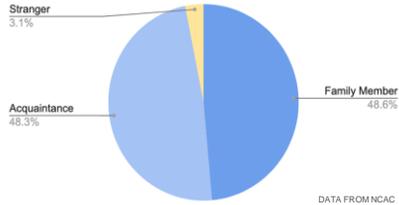
- Types of abuse
- Range of age
- Range of Cognitive/Intellectual functioning
- Diversity of legal status in the country
- Low levels of reporting





Perpetrator Relationships

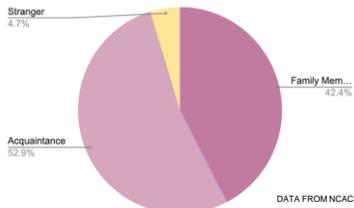
Child Victims aged 0-5





Perpetrator Relationships

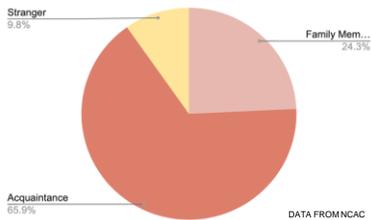
Child Victims aged 6-11





Perpetrator Relationships

Child Victims aged 12-17



Obstacles Related to Perpetrator Relationships

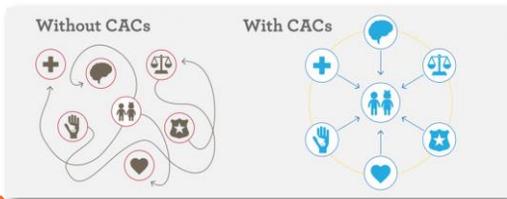
Possible impact on family members of the abused child:

- Guilt
- Self anger
- Frustration
- Minimization of the abuse
- Taking sides

Interpreters must remain neutral throughout the process.



The Child Advocacy Center (CAC) Model



The Multidisciplinary Team (MDT)

The CAC model is founded on Multidisciplinary Team coordination and collaboration.



The Forensic Interviewer

- Receive specific training in forensic interviewing protocol
- Brokers of the information relayed to the child





Forensic Interviewing

“To ensure facts are gathered in a way that will stand up in court, forensic interviews are carefully controlled: the interviewer’s statements and body language must be neutral, alternative explanations for a child’s statements are thoroughly explored, and the results of the interview are documented in such a way that they can bear judicial scrutiny.”

https://practicenotes.org/vol8_no1/what_is.htm

Language Diversity Chat Question

Do you or any of your family members speak a language other than English at home?

If so, what languages?





<https://www.migrationpolicy.org/research/limited-english-proficient-individuals-united-states-number-share-growth-and-linguistic>





Why Language Access?

- **Legal Mandate**
 - Title VI of the 1965 Civil Rights Act
 - Executive Order 13166
 - ADA
- **Ethical Mandate**
 - Ensuring access beyond convenience
 - Victim Centered Services



What is Meaningful Access?

Defined in the DOJ's own Language Access plan as:

"Language assistance that results in accurate, timely and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior, as compared to programs or activities provided to English proficient individuals"



Impact of Compliance

- Exercising legal rights
- Accessing victim services
- Communicating with the MDT
- Navigating the process
- Participating fully in relevant proceedings
- Filing for protection orders, custody, divorce, and child support.



Poll Question

Got a Language Access Plan?



Language Access Plan

A Language Access Plan is a strategy to assess, identify, and manage a system to ensure that individuals with limited English proficiency are able to access services, benefit from programs and participate in activities.



Language Access Policy Example

A directive that sets forth the standards, goals, and expectations for an organization on the provision of accessible services to limited English proficient individuals.

"It is the policy of this agency to provide timely meaningful access for LEP persons to all agency programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the agency will provide these services to them."

Language Access Assessment and Planning Tool for Statewide, Contracted and Federally Assisted Programs, Federal, State and Compliance Section, Civil Rights Division, U.S. Department of Justice, FY 10, May 2011





14 Elements of an Effective Language Access Plan for Communities with Limited English Proficiency (LEP)

1. Federal and Local Language Access statutes
2. Definitions
3. Identifying individuals with LEP in your service area
4. Protocol for Identifying Languages
5. Policy
6. Collaboration with communities with LEP and other stakeholders
7. Description of timeframes, objectives and benchmarks

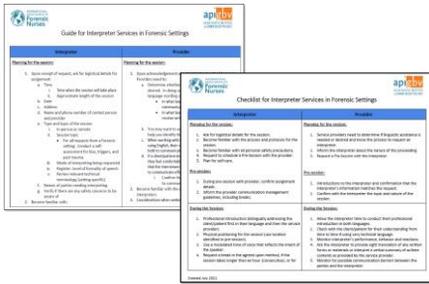


14 Elements of an Effective Language Access Plan for Communities with Limited English Proficiency (LEP)

8. Identification of persons who will implement the plan
9. Identification of funding and procurement strategies
10. Protocol for accessing interpreting and translation services
11. Staff training on policies and procedures
12. Outreach to notify survivors of language assistance services
13. Prohibition of using children and family members as interpreters/exigent circumstances
14. Monitoring and updating of policies, plan and procedures



Guide/ Checklist Handouts



Importance of Language Access

"CACs (and forensic interviewing services) are meant to be accessible to all potential child and adolescent victims and their families. Consistent with this mission, CACs (and forensic interviewing services) should be equally comfortable for all victims and non-perpetrating guardians, regardless of socio-economic status, race, ethnicity, language, cultural norms, national origin, immigration status, or other demographic variables. It is important to examine potential obstacles to this fundamental commitment to accessibility, so these barriers can be addressed and ameliorated"

<https://www.nationalcac.org/wp-content/uploads/2019/01/Language-competence-in-forensic-interviews-for-suspected-child-sexual-abuse.pdf>



Importance of Language Access for Forensic Interviews

- Legal Implications
- Identify relevant cultural factors
- Lack of specificity/Accuracy
- Frustration/Anger
- Incorrect Perceptions
- Eliminating barriers



Steps for a Forensic Interview



Referral

Administrative

- Budgeting
- Confidentiality
- Booking



Referral

Interpreter	Provider
<p>Planning for the session</p> <ol style="list-style-type: none"> 1. Upon receipt of request, ask for logistical details for assignment. 2. Date <ul style="list-style-type: none"> a. Time when the session will take place b. Approximate length of the session 3. Date 4. Address 5. Name and phone number of contact person and location 6. Name and type of the session 7. Interpreter or translator <ul style="list-style-type: none"> a. Location/role b. For all requests from a forensic setting, conduct a walk-through for bias, triggers, and guard rails. 8. Mode of interpreting being requested <ul style="list-style-type: none"> a. Sighted/Consecutive b. Sighted/Concurrent c. Simultaneous d. Remote (using technology) 9. Names of participants and interpreting 10. Tools, if there are any safety concerns to be aware of 11. Become familiar with: 	<p>Planning for the session</p> <ol style="list-style-type: none"> 1. Upon acknowledgment of a request from IAP, Service Provider should conduct a request assessment to include: <ul style="list-style-type: none"> a. Determine whether request assessment is needed or desired. In doing so, it is recommended to use plain language and the user's: <ul style="list-style-type: none"> • In what language do you prefer to speak (or understand) and why? • In what language and format would you like to receive written information? 2. This may result in one of the following: <ul style="list-style-type: none"> a. If you identify the language needed b. When working with trauma, individuals might prefer social topics. First use direct language in order of best to intermediate. c. If a client/interpreter does not want an interpreter because they are comfortable communicating in English, explain that the International Association of Forensic Nurses also needs the interpreter for consistency of practice. <ul style="list-style-type: none"> 1. Clarify that you will be using an interpreter for consistency. 3. Become familiar with the user's protocols to request interpretation. 4. Considerations when seeking an interpreter:

Screening

- Assessment of need
- Finding an Interpreter



Who should not interpret?

- Cultural Anthropologist
- Social Worker
- Advisor
- Counselor/Therapist/any Mental Health professional
- Lawyer or Paralegal
- Advocate or staff who knows ASL or the language of the individual with LEP



Referral

Scheduling

- One or multiple interviews
- Length of time

 <p> <ul style="list-style-type: none"> • The setting in which the session will take place and protocols and procedures for the setting • Standard Universal Precautions (i.e., Personal Protective Equipment (PPE)) • Plan for self-care • Request a Pre-Session with the provider </p>	 <p> <ul style="list-style-type: none"> • Language combination needed • Gender/age range preference if the client/patient prefers interpreter to be of a certain gender/age range • Interpreter credentials, training, experience <ul style="list-style-type: none"> • interpreters should have a minimum of 40 hours of training </p> <p>4. When requesting services, provide the following information:</p> <ul style="list-style-type: none"> • Time <ul style="list-style-type: none"> • Time when the session will take place • Appropriate length of the session • Date • Address • Name and phone number of contact person and provider • Type and topic of the session <ul style="list-style-type: none"> • In-person or remote • Session type • Mode of interpreting being requested • Provide relevant medical terminology to be used (setting specific) • Names of parties requiring interpreting • Inform interpreter of any safety concerns to be aware of • Contact name and number for entity and department requesting services • Contract number (for telephonic interpreting services) <p>5. Request Pre-Session with interpreter</p> <p>6. Review familiar with interpreter's ethics and role boundaries.</p>
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Issued July 2021

Guide for Interpreter Services in Forensic Settings (2021)



Pre-Session/Team Meeting

Who is present?

- MDT & Interpreter only
- Introduction & Roles

Case Details

- Information Sharing

Equipment

- Explain and demonstrate



Pre-session/Team Meeting

Best Practices

- Guidelines and considerations for forensic interviewers and interpreters

Pre-session:	Pre-session:
<ol style="list-style-type: none"> 1. Introduce yourself to the provider, and share or confirm: <ol style="list-style-type: none"> a. Your working language b. Your credentials, title and experience c. Client/patient's personal preference on interpreter's gender/age 2. Establish the following information with the Service Provider: <ol style="list-style-type: none"> a. Gender pronouns of preference of the client/patient with limited English proficiency b. Physical positioning of the interpreter in the room during the session, taking into consideration the trauma experienced by the client/patient and the type of session c. Communication management guidelines <ol style="list-style-type: none"> i. Speak directly to and maintain eye contact with client/patient ii. Use first-person when addressing the client/patient with LEP iii. Speak clearly and slowly, pausing after every two or three sentences iv. Use short language - sentences for use of paper and accents v. Ask one question at a time vi. Allow the client/patient to finish interpreting before moving again d. Review terminology specific to the session setting 	<ol style="list-style-type: none"> 1. Introduce yourself to the interpreter and confirm interpreter information matches request: <ul style="list-style-type: none"> • Language needs • Client/patient's interpreter gender/age preference • Interpreter's credentials, training, experience • For nonusers interpreting with the interpreter for health identification number 2. Ask interpreter for: <ul style="list-style-type: none"> • Any potential conflicts of interest or impartiality • Any level of discomfort with the topic, whether the interpreter knows the client/patient with LEP or members of their family, or belongs to the same community • Conflict interpreters will abide by Ethical Guiding Principles, otherwise request a different interpreter 3. Inform the interpreter in advance of the topic and nature of the session including: <ul style="list-style-type: none"> • Gender pronouns of preference of the client/patient with limited English proficiency • Physical positioning of the interpreter in the room during the session, taking into consideration the trauma experienced by the patient and the type of session • Review terminology the interpreter needs to be familiar with, specific to the session setting <ol style="list-style-type: none"> i. Provide the interpreter with a copy of any relevant handouts or materials to assist in

Created July 2020

Guide for Interpreter Services in Forensic Settings (2020)



Pre-Session/Team Meeting

Interpretation agreements

- Slang/colloquial verbiage for important terms
 - “Do you know any other names for _____,”
 - “have you ever been taught a different name for _____?” “ _____”
- what is _____ used for?”



Pre-Interview

Who is present?

- MDT & Family/Caregivers

The Family

- Introduction of the team
- Explanation of process
- Answer any questions



Pre-Interview

Assessment

- Obtain information about child's functioning
- Insight into child's behavior/mannerisms

Clarification

- Questions related to allegations
- Disclosure/outcry
- Phrases



Interview

Who is Present?

- Interviewer, Interpreter, Interviewee
- MDT to observe from separate location

Logistics

- Equipment
- Seating arrangement
- Location

Tools

- Checklist



Forensic Interview Protocol + Phases



- Introduction
- Rapport Building
- Establish ground rules
- Practice Interview
- Introduce the topic
- Free Narrative
- Question and clarification
- Closure

Team Meeting

Who is Present?

- MDT

Convey Concerns

- Does the MDT have any concerns?

Scope of Disclosure to family

- Defer to MDT



Post-Interview Meeting

Who is Present?

- MDT & Family/Caregivers

Touch Base with Family

- MDT led discussion

Information About Next Steps

- Connection to services
- MDT's next steps



MOU/Contract Agreement Overview

- Professional qualifications
- Law enforcement or sex offender background checks
- Quality control
- Compensation
- Time allotment
- Conflict of interest disclosure
- Confidentiality Agreement
- Cancellation
- Which entity is responsible for the interpreter bill?

Does each entity at the table have a clear understanding of the process and expectations



Chat Question

When developing your MOU/Contract Agreement, what are some ways to ensure clarity and collaboration?





Ultimately, the clearer and more "on the same page" we can be as a team, the higher the levels of our collaboration, and the better the service we provide to the deserving children and their families.



Poll Question

Does your agency have a working agreement with an Interpreting Agency?



Poll Question

For those that answered yes...

Do you feel it is comprehensive/helpful?



Chat Question

If your agency does not have an MOU/Agreement in place, what are some of the barriers that you see? What might help surpass the barriers?





Final Chat Question

Are there any things from this webinar you might consider implementing?

Questions.....





Resources

- U.S. Department of Justice
Civil Rights Division, Federal Coordination & Compliance Section (FCS) www.justice.gov/crt/cor
- LEP.GOV, www.lep.gov
- API-GBV, Interpretation Technical Assistance Resource Center:
Cannon Han, chan@api-gbv.org
Ana Paula Noguez Mercado, anoguez@api-gbv.org
Kayla Chan, kchan@api-gbv.org
- Deafhope: www.deaf-hope.org/videos/
Amber Hodson, amber@deaf-hope.org



References

- Casa de Esperanza/ National Latin@ Network LEP Toolkit:
<https://nationallatinonetwork.org/lep-toolkit-tools/language-access-plan-template>
- NIWAP Translations for Immigrant Legal Rights
www.niwaplibrary.wcl.american.edu/cultural-competency/multilingual-materials-for-victims/are-you-safe-at-home
- Vera Institute of Justice Center on Victimization:
www.vera.org/securing-equal-justice/ensuring-access-for-people-with-disabilities-and-deaf-people

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Future Webinar In This Series

Collaborating for Equitable Language Access for Survivors of Sexual Violence: (4) Interpreter Services During the Medical Forensic Exam
August 31, 2021 3-5pm EST



www.SAFeta.org Resources

Access to telephone or personalized e-mail technical assistance from the International Association of Forensic Nurses.

Email: contact@safeta.org
 Professional Resource Line: 1-877-819-7278





Thank you for joining us today!!
