

Technical Assistance

Bulletin



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DV PROJECT FOR THE DEAF AND HARD OF HEARING

BY HON. WENDY MILLION

Tucson City Court's project involving Deaf and Hard of Hearing victims of domestic violence came about almost by accident. The court was attempting to save money on interpreter costs, so judges volunteered to take cases involving specific languages, allowing interpreters to be used on multiple cases at one time. I volunteered to take cases needing American Sign Language (ASL) interpreters. That was the beginning of what has developed into a working relationship with the Deaf and Hard of Hearing communities in Tucson, multiple projects to provide services to Deaf and Hard of Hearing victims of domestic violence, and community education. When we applied for a grant for a Domestic Violence Court, it seemed natural to include this project because of the connections we had already established.

The first step was forming a collaboration between Tucson's main Deaf services agency, Community Outreach Program for the Deaf (COPD), and our main victim services agency, Emerge! Center Against Domestic Abuse (Emerge!). This has proved to be one of our most difficult projects, requiring several consultations with the Center for Court Innovation for ideas and strategies. This collaboration—like all collaborations—has raised fruitful questions about roles and goals. We're tackling some of these challenges by bringing in one outside expert in both areas—the Empowerment Director from Deaf Hope, an organization that focuses specifically on Deaf domestic violence victims. We need to make Emerge! more Deaf and-

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WELCOME by Liberty Aldrich

Much of our work as technical assistance providers involves encouraging and facilitating collaboration. As you all know, engaging a wide array of stakeholders is key to planning and implementing a specialized court response to domestic violence, especially a sustainable one. Similarly, as we've had the opportunity to work with jurisdictions on language access issues within the courts, the need for an inclusive, coordinated problem-solving effort has been underscored again and again. We wanted to share some of our thoughts and observations about ways to approach this as you continue to think about how to make your courts and communities more accessible for litigants with limited English proficiency (LEP) involved in domestic violence cases.

Aside from money (we know, there isn't enough of it!), most discussion regarding language access in the courts focus on interpreters. This discussion often falls into three buckets, each of which require separate efforts.

The **quantity of court interpreters** is an issue even for our largest jurisdictions. While budgets are an obvious constraint here, we often hear about a scarcity of certified interpreters, especially for languages of lesser diffusion. In some situations,

getting more interpreters into the court might be an issue of doing community outreach to ensure that communities in which a language other than English is spoken know that these jobs exist. Or encouraging local colleges to offer programs in interpretation. Leverage your community's existing resources in order to expand access.

The **quality of interpreters**, particularly in relation to whether or not interpreters are prepared to handle domestic violence and sexual assault cases, is a different challenge. While the interpreter's mandate is to translate exactly what a litigant says, domestic violence and sexual assault cases bring up challenging vocabulary, and situations that are prone to judgment. This is where training by domestic violence and sexual assault experts plays an important role. If a judge, attorney, advocate, or litigant has a complaint about an interpreter, there must be clear protocols for how to file a complaint, and the sense that someone is providing oversight. Again, training is integral—for all stakeholders.

Understanding the **role of the interpreter** is a separate but related issue that is a key piece of the puzzle. Oftentimes there is simply confusion among judges, attorneys, advocates,

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DV and the Deaf Community

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Hard of Hearing friendly, and we want COPD to feel comfortable referring clients there for domestic violence-specific issues.

We are pleased that these two agencies collaborated very successfully on a recent educational event. We worked with the Arizona School for the Deaf to offer classes on teen dating and domestic violence to both middle school and high school students. These classes were facilitated by two Deaf counselors from COPD and an advocate from Emerge! The school was thrilled with the results. We're hoping to offer the classes again in the fall, and we've been invited to speak about the project at a statewide domestic violence conference.

We're also planning a community-wide education day in 2015 for the Deaf and Hard of Hearing communities on the topic of domestic violence. By that time, we hope to have Emerge! equipped with a video phone and an agreement in place between COPD and Emerge! stating that ASL interpreters will be on call for victims who come to the shelter or need to access other services. We're working with a disability lawyer who has given us contacts for a free video phone for Emerge! The disability lawyer is also going to present to our group on the issues facing Hard of Hearing people, because we've come to understand that these are two very different communities with very different needs.

Our education day had been scheduled for an earlier time, but we postponed it when we realized that Emerge! was not yet ready to serve Deaf and Hard of Hearing victims. We came to understand that the worst thing in the world would be to encourage victims with these specific needs to come forward and then find the agency not prepared to offer them appropriate services. To bridge this gap, Emerge! required all of their employees to attend training offered by COPD. We also asked COPD to present to the court staff and attorneys assigned to Domestic Violence Court. These presentations were very well-received and increased everyone's understanding of the challenges that Deaf people face when they are involved with the justice system.

We've seen other successes develop indirectly as a result of this project. For example, a counseling agency that works with

the court had a counselor who knows some sign language. He started working with a Deaf counselor at COPD, and they started team-teaching batterer's treatment classes for Deaf defendants. This batterer's treatment agency is now participating in all of our projects. Because the agency has now received education about the Deaf community and culture, its counselors are better able to provide services that make the victims safer.

We also used grant money to send two ASL interpreters to training with the Vera Institute, and we call them in to interpret for Deaf victims whenever we can. Putting this training to work, they have decided to teach a class in interpreting for victims to other ASL interpreters. We have also brought CART interpreters (Computer Aided Real-Time Translation) into the fold, figured out where to set up meetings in "looped" locations, and really pushed all courts in Pima County to provide proper interpretation for individuals who are Deaf or Hard of Hearing. Along with my grant manager and an Emerge! victim advocate, I participated in ASL classes through the local agency for the Hard of Hearing community. This was where we first began to understand the differences between the two communities and their specialized needs as far as access to justice and services.

As usual, some of our biggest challenges involve resources. Trying to equip Emerge! with the technology to provide access to Deaf and Hard of Hearing victims is legally required—but very expensive. Availability of ASL interpreters is also a challenge. There are not many in Tucson, and often the police cannot reach one when they respond to a domestic violence incident. We have invited the police department to take part in our activities so their command staff is more aware of the issues and possible solutions and can pass this information along to their patrol officers.

Just like we have seen in our regular Domestic Violence Court project, as time goes on, great opportunities have appeared to expand our scope, reach more people, provide services to more victims, and include the larger community. I am honored that the Deaf and Hard of Hearing communities have been so open to our efforts and so willing to work with us to help keep victims safe.

Judge Wendy Million presides over the domestic violence docket in Tucson City Court

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and litigants regarding what the interpreter can and cannot do, and whether or not they are available to interpret outside of the courtroom. For judges alone, knowing how to qualify an interpreter or information about what mode of interpretation is appropriate for a given situation can have a swift impact on the quality of interpretation in the courtroom. Making this a focus of multidisciplinary training and providing explanatory resources and tools to court stakeholders and litigants is a great start. It is critical in these discussions to engage interpreter experts in order to clarify appropriate and ethical roles.

Of course, expanding language access in the courts for litigants involved in domestic violence cases goes far beyond interpreters. In the next few months, the Center—in partnership with the National Center for State Courts—will be releasing key

findings from our court-based needs assessment regarding language access and domestic violence. But even the issue of court interpretation alone provides numerous examples of how stakeholders at every level of the system need to be involved in expanding language access.

This technical assistance bulletin highlights some of the jurisdictions who are taking on these difficult challenges with training, community partnerships, and top-down policy changes. We're excited to hear more success stories from all of you in the future. And please remember that we're here to provide assistance on language access issues your court might be struggling with.

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