

The Impact of Language Access on LEP Survivors Seeking to Leave the Abuse

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Shoreline Community College

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Protection Order Advocacy Program

- Mission is to assist victims of domestic violence in obtaining civil protection orders against their abuser
- Employed by KCPAO
- Provide support, technical assistance, preliminary safety planning, DV education, court accompaniment, resource and referral information and troubleshooting of the PO process
- Serve in three locations:
 - King County Courthouse (C213)
 - Norm Maleng Regional Justice Center (2-B)
 - King County District Court, East Division Redmond

Predicting the Unpredictable...

For LEP survivor wanting to access courts:

- Where do I go?
- Will I be able to understand/be understood?
- Will I be able to accomplish what I need to accomplish today? At the full hearing?

On top of normal concerns of DV survivors:

- Will I be believed?
- Will I/my children be safe?
- Will police enforce my order?

Protection Order Process

2 part process

- Temporary/emergency order
 - Complex and voluminous paperwork
 - Must write a statement about DV history
 - Attend ex parte hearing
- Full order hearing
 - Orally present case to the court
 - Other party may have an attorney

Language Access and Temporary PO process

- Superior Court Office of Interpreter Services
 - Best Practice: POAP requests interpreters for LEP clients
 - some languages - same day service (Spanish)
 - Other languages – interpreters typically available within a few days
 - Some petitioners bring friends or family to interpret
- Interpreters always ordered for full hearing

Challenges of having friends/family members interpret

- Children as interpreters
 - Overexposure to traumatic events/content
 - Child caught in the middle
 - Tainting of witness testimony
 - Setting self up to be called as witness
 - Goes without saying - May not have necessary language proficiency to interpret

Challenges of having friends/family members interpret continued

- Friends and Family as interpreters
 - May not have necessary language proficiency to interpret
 - At best – it requires or assumes that a DV victim is comfortable sharing sensitive details of the abuse
 - At worst – DV victim may filter out more sensitive details
 - Dual role - changes the dynamic of the friendship/relationship
 - Friends and family do not have privilege

Language Access Barriers: Overall challenges for LEP clients

- Interpreter accessibility
- Multiple continuances or delays
- Not very nimble
- Safety issues
- Budget pressures
- Existing complexities are exponentially complex

Language access is as simple as checking a box:

Interpreter ☐ YES ☐ NO
Interpreter ☐ YES ☐ NO

Not really...

Working with interpreters in PO process – What do we see?

- Interpreters appear overbooked
 - pop in and out of court to attend other hearings
 - Check in late
- Interpreters under more pressure
 - IFP takes a long time to complete
 - Have to be in too many different places at once
- Quality Assurance
 - Services feel very rushed
 - Sometimes interpreters not interpreting everything
 - Sometimes have side conversations with survivor that are not translated back to us...

Impact on LEP Survivors:

- Information LEP clients receive is
 - rushed, abridged or boiled down to main points
- Oversimplified
- May not be as comprehensive or individualized as needed
- If don't spend the time covering information in court with interpreter – Client is much less likely to end up getting it after the fact

Impact on LEP Survivors:

Compromised Safety

- May not feel comfortable fully disclosing experience
 - Short term impact
 - Long term impact
- May end up less informed
 - Court process
 - What to expect

Thank you!

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