

**Federal Interagency Conference on Limited English Proficiency
(NVTC Panel Speech)
March 15 and 16, 2007
Bethesda Maryland**

Introduction:

Good afternoon, everyone. First, I'd like to thank the Assistant Attorney General for Civil Rights, Wan Kim and the Federal Interagency Working Group for putting on a successful LEP conference. Thank you also to Director Everette Jordan for inviting me to speak on this panel.

My name is Isabel Frammer and I'm a certified judiciary interpreter and translator. I'm an interpreter, trainer, and consultant on interpreter policies, including case reviews at the trial and appellate levels. I've testified as an expert on interpreter procedures. I advocate for the use of competent interpreting and translation services for the LEP population and have worked closely with national advocacy firms. Today, however, I am here as a director of NAJIT, The National Association of Judiciary Interpreters and Translators. I'd like to speak about the interpreting community and the need to create a strong partnership between Government agencies and one of your stakeholders, NAJIT.

Introduction to NAJIT: Who we are and what we do

NAJIT is the world's largest association of judiciary interpreters and translators, yet we are small in numbers because of our specialized field. Most people call us court interpreters. Language providers in the legal field may work as interpreters or translators, and some are experienced in both disciplines. Interpreters work in legal proceedings, both civil and criminal, inside a courtroom, and also work out of court (in quasi-judicial settings), in attorney-client interviews, prosecutor and victim or witness interviews, and law enforcement interrogations. Translators' work is to prepare written translations of legal documents involved in criminal or civil litigation.

By virtue of our qualifications, training and experience, judiciary interpreters are also qualified to interpret in medical settings. We interpret technical terminology ranging from simple traffic terms, to medical reports, autopsies, ballistics, weapons, drugs, slang, homicides, DNA, blood splatter and more. Many judicial interpreters are also versed in transcription and translation which is another subdivision of legal interpreting and translation and requires a different expertise. Some may work as analysts and testify as experts.

Recognizing the Problem:

There is a national problem that affects every government agency in their ability to carry out their job: We suffer from a lack of qualified interpreters. But there are also few

incentives for agencies to recruit and retain the existing certified and qualified interpreters.

Too many that are unaware of how to tap into resources of existing certified and qualified interpreters or translators. Sometimes, even when resources are available and/or rules in place, agencies resort to hiring unqualified individuals because they are cheaper. Certified interpreters eventually have to move or find other full time jobs not related to the field. Qualified or aspiring interpreters have no incentive to seek education or certification because there are no long term payoffs.

In recent years, the shortage of qualified interpreters has been widely reported in the media. In recent legislative hearings, Senator Akaka, Senator Voinovich, Senator Kohl and US Supreme Court Justice Kennedy highlighted their concern about this shortage.

In reality, we have a few thousand federal and state court certified Spanish interpreters in the United States, plus hundreds of qualified individuals in other languages. We also have thousands of practicing but untrained bilinguals, and many aspiring interpreters. But there is little desire to fund training or certification efforts.

A qualified interpreter has skills, training, and education beyond bilingualism. When we speak of skills, we are not referring to language proficiency or the learning of specialized vocabulary, although these are crucial components. The skills we speak of are cognitive skills coupled with processing speed. We learn to listen, comprehend, retain, reproduce and transfer information from one language into another language without distorting or losing meaning. These skills can't be developed overnight or in the course of a few interviews or medical appointments. They require years of practice and minimally acceptable accuracy has to be evaluated by a competent authority. An analogy to convey this concept is, athletes train their muscles, but not everyone can run and jump and ski and swim to the same expert level.

Use of Untrained Individuals:

Serious communication problems affect people's rights, equal access, equal protection, health, life, and safety every day, and our national security is also affected by lack of qualified personnel. Because I work in the field, I see and hear first hand some of the tragedies that take place at every level of our justice system due to the use of unqualified and untrained bilinguals as "interpreters."

Let me give you a few examples of some real cases.

1. A police department in the Midwest received a 911 call from Spanish speaking individuals reporting a fire in a building. There was no policy in place to provide language services. Additional calls in Spanish were made, but it wasn't until they received a fourth call in English that the fire dept was dispatched to the location. When they arrived, seven people were dead.

2. In the Southwest, there were 100 undocumented people packed in a trailer. Some of them called 911 from their cell phones. No policy was in place to respond to LEP calls/ 4 hours passed before someone interpreted the calls. By the time first responders arrived, 18 men, women and children had died from extreme heat and no ventilation.
3. An officer who took a Spanish immersion course, including a department paid trip to Mexico, served as interpreter in an interrogation of a LEP suspect. The officer was not sufficiently bilingual and the suspect spoke very limited English. They both resorted to mangled Spanglish. The suspect began to confess to something but, since everything was so distorted, no one could determine what he was confessing to. Due to the poor communication, the alleged sodomy of a six year old resulted in a lesser charge.
4. A Southern state sought to terminate the parental rights of a LEP Guatemalan girl in part because she failed to properly store medicine provided by the local hospital for her newborn infant. The mother could not understand the instructions on the medication because they were in English.
5. A 37 year old Korean woman was diagnosed with cancer. One evening after receiving chemo treatment for several hours she tried to communicate to the medical staff that she was tired and wanted to go home for the night. The nurse gave her a “consent to terminate treatment” form, which she signed, thinking it enabled her to be released for the night. She didn’t hear from the hospital again for several months. When she did go back, the cancer was everywhere and impossible to contain. She died shortly thereafter.
6. 57% of the population of Corpus Christy is Hispanic; 30% are non-English or Limited English Speakers. Even so, during Hurricane Rita, evacuation announcements were provided only in English.

Wake up call:

September 11 was a wake-up call in more ways than one. It alerted us to our pressing language needs, the need to organize our qualified interpreters and translators. Katrina reminded us once more, and although efforts have been made to correct some of our deficiencies, we are not there yet.

Develop the connective tissue:

We need to begin to develop the connective tissue between professional organizations and governmental agencies. We need to build relationships that allow the flow of best practices and information, so we can get the job done right the first time.

Government agencies only need to tap into already established resources, to establish partnerships with those who already have expertise and experience in translation and interpretation.

NVTC database initiative:

We needed a national database of certified and qualified individuals to be prepared for national emergency response. The NVTC created such database and NAJIT together with the NVTC worked to recruit interpreters and translators for it. It was apparent from the response that professional interpreters want to assist our country in time of need. In a two month period, 849 qualified individuals signed up, representing 45 languages. Currently there are 1,000 interpreters and translators representing 60 languages. I believe this database is essential. One entity that other federal agencies can tap into should act as a hub, not just during national emergency response, but for other Government work. Having one single point of contact will avoid confusion and replication of work already done.

In the past year, NAJIT has partnered with a few agencies. For example we have partnered with Sakhi for South Asian Women, Sanctuary for Families, and other national domestic violence advocacy firms. We have also partnered with the American Red Cross. Forming partnerships among organizations and entities is the best way to accomplish what no entity can do on its own.

Summit/Lorain Project

NAJIT also worked with Ohio local law enforcement. Some of you may have heard of the Summit/Lorain Project. The Summit County Sheriff's Office and the City of Lorain Police Department recognized language issues at local and national levels, and partnered with NAJIT to create a model policy. We developed a manual addressing many of the language problems that affect law enforcement's ability to serve and protect all persons this collaborative effort between NAJIT, Summit and Lorain moved from the local level to a statewide collaborative effort with the Ohio Criminal Justice Services (OCJS), a division of the Ohio Department of Public Safety. OCJS together with NAJIT and ATA created a language identification booklet titled "I Speak" in 47 languages. OCJS has provided training of law enforcement on working with interpreters and the LEP population for the last two years and is continuing to provide such training. The Columbus Police Department is hosting a training event for hostage negotiators who may have to work through interpreters.

The Summit/Lorain initiative has been replicated by other law enforcement agencies in other states. The "I Speak" booklet also made it nationally and internationally and has now been replicated by BJA a division of OJP. These projects were volunteer initiatives and were made available to others free of charge. These and many other types of initiatives can also happen at the federal level by joining forces with NAJIT's experts, consultants, and trainers.

Closing:

In closing I would like to reiterate that we need to move forward with a more coordinated plan and partnerships with all of the necessary stakeholders. Tap into us! Use us! Certified and qualified interpreters are the nexus to enable the government to communicate with all residents and overcome language barrier where they exist. Without communication, nothing can happen. Let's take more care to communicate well, and to get our messages across to those among us who may not yet speak English well. And please remember, "having an incompetent interpreter is tantamount to having no interpreter at all."

Thank you.