Rethinking Language Access: A Comprehensive Approach to Serving Deaf Victims and Victims with Limited English Proficiency (LEP)

FOREWORD

Deaf persons in the United States and persons with limited English proficiency (LEP) are at high risk of experiencing victimization. In particular, Deaf individuals experience high rates of domestic and sexual violence, while individuals with LEP are too often victims of robbery, theft, and assault. For these victims, language, communication, and culture can pose additional barriers that prevent equal access to justice and social services. The importance of access to services is underscored by a variety of federal laws that dictate minimum standards of access in service provision. While significant advancements have been made, victim service providers and the criminal and civil justice systems continue to struggle to develop, implement, and evaluate meaningful language access for victims. The inability of victims to access services due to language and cultural barriers can isolate victims, enhance victims' fear and distrust, and exacerbate trauma.[1]

INTRODUCTION

In 2015, Vera Institute of Justice's (Vera) Center on Victimization and Safety partnered with the Asian Pacific Institute on Gender-Based Violence (API), the National Latin@ Network, Ignite (formerly Advocacy Services of Abused Victims), Mujeres Unidas y Activas (MUA), the National Center for Victims of Crime (NCVC), and the U.S. Department of Justice's Office for Victims of Crime (OVC) to launch and run a national initiative, Translating Justice. Translating Justice aims to enhance access to the justice system for those who experience communication and cultural barriers. This initiative focuses on developing and providing resources, nationwide

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[1] Tate, 2012

training, and support to victim service providers, law enforcement agencies, legal service providers, and courts to increase language access for crime victims who are Limited English Proficient (LEP), and people who are Deaf or hard of hearing (D/HOH).

To ensure that this national initiative builds upon what has already been done and effectively responds to the needs of victims facing communication barriers, we undertook a comprehensive literature review,[2] landscape analysis,[3] national survey,[4] and interviews with experts and practitioners. Overall, we found that while people who are Deaf, hard of hearing, or have limited proficiency in English (LEP) are highly vulnerable to victimization, they experience significant, and sometimes unique, barriers to accessing victim services and police protection. Notable progress has been made, often focused on increasing access for individuals with LEP more so than for Deaf victims, but gaps still remain. It

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[2] Vera's literature review – *Translating Justice for Victims with Limited English Proficiency and Deaf or Hard of Hearing Victims* – covers over 100 publications and resources from 2005 to the present regarding both LEP and Deaf individuals.

[3] Vera's landscape analysis reviews resources (articles, promising practices, trainings, resource hubs, tip sheets) that represent language access efforts nationwide for those with LEP and Deaf people. Resources were collected from 43 project partners and stakeholders in the field.

[4] Anonymous survey distributed to victim services providers and allied professionals to better understand their capacity in serving Deaf victims and victims with LEP. A total of 1510 providers from all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands completed the survey. In analyzing survey results, Vera differentiated between agencies that primarily serve Deaf populations and populations with LEP as they already have a high capacity to do so. Despite this differentiation, respondents to the survey by and large did not primarily serve victims with LEP or Deaf victims (a total of 1035 or 68.5 percent of total respondents). The data cited in this report refer to the responses of the 1035 respondents that do not primarily serve these victim populations. Note: it is likely that multiple respondents are from the same agency. As such, it is important to not attribute any of the findings as the percent or frequency of agencies. In addition, not all 1035 respondents responded to each question. Percentages are calculated based on the total number of respondents for the questions cited.

is evident that victim service providers, law enforcement, and other allied professionals need help in overcoming a number of cultural and linguistic barriers that prevent effective communication and meaningful access by all victims to vital services and supports.

This report summarizes the key findings from the literature review, landscape analysis, national survey, and interviews with experts and practitioners. The report offers a framework for understanding the gaps that exist in providing meaningful and equitable language access to Deaf victims and victims with LEP. As such, it includes information on Deaf and LEP communities in the United States, provides foundational information on what is known about the incidence and prevalence of victimization among these communities, and explores resource, communication, and cultural barriers that prevent Deaf victims and victims with LEP from accessing and receiving meaningful language access supports and services. Lastly, it discusses the historic bifurcated legal structures in place for language access planning, and concludes with a recommendation for service providers and practitioners to approach language access service provision holistically and comprehensively. These findings will serve as guidance for developing a comprehensive response to ensure equitable and meaningful access to Deaf victims and victims with LEP.

ABOUT DEAF COMMUNITIES AND COMMUNITIES WITH LEP

FINDING: Communication barriers impact significant numbers of Americans who are Deaf, hard of hearing, or have LEP. While they have this shared reality, there is tremendous diversity among and within these groups.

Deaf communities

Available data indicate that in the U.S., 2 to 3 out of 1,000 children are born Deaf or hard of hearing,[5] and approximately 15 percent of the adult population has functional hearing loss.[6] Those that identify with Deaf culture share a unique set of norms and values around interaction and communication and distinguish between the lowercase "deaf" and uppercase "Deaf." For example, the lower case "deaf" is typically used when referring to the medical condition of not hearing, while people who identify as being "Deaf" see themselves as part of a distinct community with unique cultural traits.[7] In the U.S., most Deaf individuals communicate verbally through American Sign Language (ASL).[8] ASL is not a form of English, but rather a completely different language with different rules for syntax and grammar.[9] Knowledge of and fluency in writing or speaking English, as with any second language, is highly varied among Deaf individuals and depends upon their cultural, educational, and familial backgrounds.

The relationship between big "D" Deaf and Deaf culture is not mutually exclusive – Deaf culture can include a number of diverse identities including those who are Deaf, deaf, Deaf-blind, late-deafened, and hard of hearing. Individuals who are "hard of hearing" experience mild-to-moderate hearing loss and may communicate through sign language, spoken language, or both[10] with the assistance of hearing aids or assistive listening devices (ALDs) when needed.[11] It is important to note that while Deaf

[5] National Institute of Health, 2013

[6] Blackwell, Lucas, and Clark, 2014

[7] Padden and Humphries, 1988

[8] National Institute of Deafness and Other Communication Disorders, 2014

[9] National Institute of Deafness and Other Communication Disorders, 2014

[10] DeafTEC. **https://www.deaftec.org/content/deaf-definitions**

[11] Wisconsin Assistive Technology Initiative (WATI). "Assistive Technology for Students Who are Deaf or Hard of Hearing." **http://www.wati.org/content/supports/free/pdf/Ch13-Hearing.pdf**

individuals and individuals who are hard of hearing can be individuals with disabilities as defined by the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, they do not themselves identify as impaired or has having a disability.[12]

Communities with LEP

A person with LEP can be defined as any person age five and older who has limited ability to read, write, speak, or understand English or, per the U.S. Census Bureau, anyone who speaks English less than "very well." As of 2013, approximately 25.1 million people qualify as being LEP, representing 8.7 percent of the total U.S. population age five and older.[13] Though the majority of these persons are immigrants (documented and undocumented), nearly 4.7 million were born in the U.S. – most to immigrant parents.[14] The top three languages spoken by individuals with LEP on a national scale are Spanish (62 percent), Chinese (5 percent), and Tagalog (just under 3 percent), with Vietnamese, French, Korean, Arabic, and German being spoken by 2 percent or less of the LEP population. English language skills of those with LEP may vary due to the complexity of the English language, the challenge of acquiring language skills with age, who the language is taught by, and how often the language is being used and reinforced. Individuals with LEP also experience various levels of acculturation, which are often determined geographically, by socioeconomic status, and by experiences with stigmatization, discrimination, or prejudice from the larger community.[15]

NATURE AND PREVALENCE OF VICTIMIZATION FOR DEAF PEOPLE AND PEOPLE WITH LEP

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[12] DeafTEC. **https://www.deaftec.org/content/deaf-definitions**

[13] Ryan, 2013

[14] Zong and Batalova, 2015

[15] Akers, 2008

> **FINDING:** Limited research available on these groups confirms that people who are Deaf and/or have LEP are at greater risk of victimization of a number of crimes. Studies show that Deaf individuals experience higher rates of domestic and sexual violence than their hearing counterparts, and that those with LEP are typically at risk of experiencing high rates of victimization largely as it pertains to property crime and crimes against persons. Research also indicates that these groups can experience polyvictimization.

The majority of research does not distinguish Deaf people from individuals with disabilities,[16] which impacts the ability to understand the nature and extent of their victimization. Generally, 2015 National Crime Victimization Survey (NCVS) data report that 16.9 per 1,000 persons with a hearing disability experienced a violent victimization of which 8.4 persons experienced a serious violent victimization (rape/sexual assault, robbery, or aggravated assault) and 8.5 persons were victims of simple assault.[17]A number of comparative studies, however, show that Deaf individuals specifically are at higher risk of experiencing domestic and sexual violence – at least 1.5 times as likely and as many as 4 to 5 times as likely – as compared to their hearing counterparts and twice as likely to experience intimate partner violence (IPV). Further, research indicates that over 70 percent of Deaf men and women have been physically assaulted, and more than 40 percent of Deaf males and 50 percent of Deaf females have experienced sexual assault.

Research about individuals with LEP faces similar challenges in that there is limited amount of data distinguishing between the victimization of ethnic minorities versus ethnic groups with LEP. Also, much of the literature addressing those with LEP explores the frequency and types of victimization experienced by immigrants. Studies show that immigrants with LEP are typically at risk of experiencing crimes such as robbery, assault,

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[16] Child et al., 2011; Curry et al., 2011; Glover-Graf and Reed, 2006

[17] Harrell, 2015

theft, human trafficking, and IPV,[18] with property crimes (e.g., larceny) and crimes against persons (e.g., robbery) as the most prevalent types of crimes experienced. One study of over 900 immigrants in Houston, Texas revealed that 59 percent had been victimized within a three-year time period and 48 percent of those victimized reported experiencing multiple victimizations. Of the crimes reported, 69 percent were property crimes and 31 percent were crimes against persons.[19] Among those with LEP who are not born in U.S., lack of authorized immigration status and acculturation are correlated with victimization. Those who are less acculturated and have lived in the U.S. for a shorter period of time are more likely to experience violence.[20] For example, a survey of 90 undocumented immigrants in Memphis, Tennessee revealed that 63 percent had been victims of one or more crimes. The violent attacks decreased the longer they spent in the U.S. though still showing a significant rate of victimization: 80 percent experienced theft after residing six months in the U.S. as compared to 55 percent after 3-5 years.[21] Individuals with LEP living in cultural enclaves may also be less able to grasp important cultural subtleties that are critical for personal safety or less likely to develop sufficient English language skills as they have limited interactions with English language speakers.[22] Lacking knowledge of cultural nuances and norms, combined with limited English proficiency, makes those with LEP targets for victimization.[23]

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[18] Bucher, Manasse, and Tarasawa, 2010; Douglas and Hines, 2011; Erez and Globokar, 2009; Fussell, 2011; Kercher and Kuo, 2008; Logan, Walker, and Hunt, 2009; Morash et al., 2007; Negi, Cepeda, and Valdez, 2013

[19] Kercher and Kuo, 2008

[20] Bhuyan and Senturia, 2005; Lipsky, Caetano, Field, and Larkin, 2006; Sabina, Cuevas, and Shally, 2011

[21] Bucher, Manasse, and Tarasawa, 2010

[22] Shihadeh and Barranco, 2010

[23] Crandall, 2005; Sabin, Cuevas, and Schally, 2011; Shihadeh and Barranco, 2010

BARRIERS TO ACCESS FACED BY DEAF VICTIMS AND VICTIMS WITH LEP

> **FINDING:** In seeking services following victimization, victims and providers are challenged by a number of barriers that prevent effective communication and meaningful access, specifically lack of knowledge, exposure and resources; lack of policies and prioritization of language access; the frequent use of unqualified and untrained resources; and cultural barriers. Victims may encounter these barriers at different points of the criminal justice system to varying degrees.

(1)   Lack of knowledge, exposure, and resources

The lived experience of isolation by some linguistic minorities in areas largely populated by hearing or English-speaking persons has led to the formation of tight-knit communities and enclaves amongst some in the Deaf community and individuals with LEP, which can impact the help seeking behaviors of these victims. For example, community education and outreach initiatives provided by hearing service providers may not reach the Deaf communities, which can impact their proclivity to seek help as their limited knowledge around violence and available supports may prevent them from reaching out to providers within and outside of the Deaf community.[24] Similarly, the linguistic isolation experienced by many LEP persons (i.e., living in a household where all persons over the age of 14 speak a language other than English and no residents speak English "very well") decreases their likelihood of reporting victimization despite their increased risk of experiencing violence.[25] This isolation, which can lead to incorrect social perceptions or cultural understandings of these linguistic minority communities by service providers, impacts the frequency in which service providers encounter Deaf victims and victims with LEP, as well as their preparedness to serve them.

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[24] Barber, Wills, and Smith, 2010; Mastrocinque, 2015; Smith and Hope, 2015

[25] Siegel, Martin, and Bruno, 2011

Victim services providers, law enforcement, and allied professionals may lack knowledge of appropriate methods and tools for overcoming language barriers with Deaf victims and victims with LEP. Deaf individuals, for example, utilize a number of technologies to communicate with hearing individuals, and vice versa. However, many hearing providers may be unfamiliar with these assistive technologies, such as video relay services, or how to interact with Deaf victims when using interpreters. Responses to the national survey corroborate this lack of familiarity with assistive technology with 44 percent of respondents acknowledging not knowing how to use remote interpreting methods and technology as a barrier to providing language access. Further, providers may lack connections to interpreting agencies or formal contracts with interpreters, or not have the foresight or support to budget for the costs associated with interpretation services.[26] For victims with LEP, the quantity and quality of interpreters or translated material differ by language and resources become more limited as the language spoken becomes less common. On average, interpreter availability for languages in the bottom third of commonly spoken languages is less than 50 percent in population centers and 16 percent in rural counties.[27] In cases where victims speak languages of limited diffusion (LLDs) and there are no interpreters available to translate the LLD directly into English, relay interpreting[28] may be required.[29]

Providers need to be aware that in serving the needs of these victims resources will be more difficult to procure and that service provision can be delayed due to the time-consuming nature of obtaining and utilizing the appropriate language services. Responses to the national survey support

[26] Smith and Hope, 2015

[27] Lobo, 2015

[28] Relay interpreting is the process whereby interpreters of different languages are used to communicate into English. Relay interpreters translate these rare dialects into a similar language or a more commonly spoken form of the original language, and in turn another interpreter will translate that language into English.

[29] National Association of Judiciary Interpreters and Translators, 2005

the assertion that the lack of availability of resources generally has a visible impact on timely service provision. Deaf victims served by respondents' agencies, for example, experience longer wait periods overall when in crisis than victims with LEP (29 percent of respondents are able to secure an interpreter for Deaf victims within an hour during business hours as opposed to 59 percent for victims with LEP).

(2)   Providers' lack of policies and prioritization of language access

To ensure access, service providers need specialized knowledge and resources, as well as formal language access policies and protocols, to deliver services to Deaf victims and victims with LEP. The lack of availability of language access policies within provider organizations is a significant barrier to equitable service provision. Responses collected through the national survey reflect that less than half of respondents (48 percent) work at agencies that have a language access plan addressing both victims with LEP and Deaf victims. And, while some organizations have written policies and procedures in place, staff report a lack of knowledge around the existence of these policies: only 27 percent are "very knowledgeable" about policies governing the use of spoken language interpreters; 22 percent of the use of translators; 17 percent of the use of sign language interpreters; and 3 percent of the use of captionists. This is concerning given that at least 25 percent of respondents serve victims with LEP on a daily basis. Similarly, the landscape analysis highlighted needs and gaps in the field, including the need for policies, protocols, and implementation-related training on how to secure and work with qualified interpreters across all disciplines.

Language access is also not a fiscal priority for service providers. Less than half of respondents to the national survey, for example, work at agencies that budget for spoken language interpreters (46 percent), sign language interpreters (36 percent), translators (37 percent), and captionists (6 percent), or have contracts in place to secure spoken language interpreters (38 percent), sign language interpreters (24 percent), translators (30 percent), and captionists (5 percent). Not surprisingly,

funding is the most frequently cited barrier by respondents to providing language access.

(3)   Providers' frequent use of untrained and unqualified resources

Both victims and providers have differing language needs and proficiencies. As a result of not having formal contracts, policies, or procedures in place to provide linguistically appropriate services, providers may rely on informal communication methods to communicate with Deaf victims and victims with LEP. When untrained providers employ informal tactics they often render the communication ineffective and these strategies can allow for misunderstandings or confusion.

For example, fingerspelling, lip reading, and writing or typing notes – informal tactics service providers employ to communicate with Deaf victims – are often ineffective strategies due to their reliance on a victim's knowledge of the English language. Deaf victims who are unfamiliar with English words will not necessarily recognize a word's meaning or a concept because it has been spelled out; meaning is not implied through spelling, but rather it is learned through exposure and context. Similarly, the use of Machine Translation (MT) when communicating with victims with LEP can be problematic. MTs are Internet-based technologies (e.g., Babelfish or Google Translate) that automatically translate written material from one language to another without the use of a qualified translator.[30] Despite their accessibility, the nuances of languages are not accounted for in these tools often muddling translations or changing the meaning of the text altogether. Additionally, using friends, family members, intimate partners, or others who are not trained or qualified interpreters to interpret, such as bilingual staff or volunteers, can have a negative impact on service provision for both communities. Importantly, it is possible that the individual interpreting is also the perpetrator. In this case, abusers may take advantage of victim services providers by interpreting falsely or inaccurately for victims, thus

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[30] Sperling, 2011

compromising their safety and their ability to seek help.

Responses collected through the national survey support what the research tells us about the field's reliance on untrained and unqualified resources to provide language access. While respondents' agencies make use of in-person interpreters, telephone-based interpreters, and bilingual staff to communicate with Deaf victims and victims with LEP, approximately a third continue to rely on informal communication methods (community volunteers, adult family members or spouse of victim, friends of victim, and Machine Translation) to provide access to services. There is a clear training need here as approximately 50 percent of respondents indicate how to find interpreters, working with interpreters, and assessing interpreter competency as top training needs to effectively serve Deaf victims and victims with LEP.

(4) Cultural barriers

While research indicates that addressing the language needs of victims is a major factor in providing adequate language access, the larger issue is resolving and overcoming communication differences between victims and service providers. Communication extends beyond language, as it also includes culture. Culture dictates the particulars of interaction and the meanings that those interactions carry. Language becomes integrated and normalized as a culture takes shape, and in turn cultural norms dictate meanings and understanding of language, as well as physical variables of communication (such as gesturing or body positioning). Therefore, closing language gaps through interpretation and translation is not sufficient; language access services must also be delivered in a culturally considerate way.

Victim service providers – particularly those who are culturally specific victim service agencies – must consider all nuances of culture, including the tight-knit nature of the communities they serve. For example, culturally specific victim service agencies that provide victim services for Deaf victims may employ Deaf individuals as providers, advocates, or case managers

from the same community as the victim.[31] Deaf victims, therefore, may have to interact with familiar individuals during service provision. These interactions may compromise the privacy of victims and raise issues of confidentiality around service provision within the Deaf community with the unintended impact of further deterring members to seek services (e.g., Deaf victims might not seek out services because they fear others knowing personal or sensitive information, the ways this knowledge may impact their status in the community, or due to threats or retaliation from the perpetrator(s) and/or members of the Deaf community[32]).

For LEP communities, segregation and isolation, as well as the likelihood that people with LEP may be one of few foreign language speakers within a larger English-speaking community, pose cultural barriers to victims seeking services. As a result of such segregation, incorrect social perceptions or cultural understandings of LEP communities may arise and impact service provision. Providers should be aware of the differences between recent immigrants and long-standing citizens with LEP, for example. While newer immigrants and those who have LEP may have shared language needs, recent immigrants may be less familiar with American cultural norms and may need additional support to receiving meaningful access. Cultural competency allows service providers to provide both linguistic and cultural access to those from diverse cultural backgrounds, and ultimately lessen the frequency of stereotyping and discrimination that may occur in service provision.

The resources collected through the landscape analysis contained a tremendous amount of information about interpretation service delivery, including interpreter qualifications, availability, and challenges in securing culturally and linguistically qualified interpretation services. The latter finding is supported by responses to the national survey, which identify

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[31] Cerulli et al., 2015

[32] Anderson, Leigh, and Samar, 2011; Barber, Wills, and Smith, 2010; Cerulli et al. 2015; Mastrocinque 2015

"providing culturally competent services" as the training topic most selected by respondents when considering what knowledge and skills will help increase their capacity in serving Deaf victims and victims with LEP. These findings reinforce the need for any provider that seeks to serve all victims (regardless of language spoken) to be committed to being culturally sensitive by grounding their work in the cultural realities, beliefs, and practices of those they serve and ensuring staff are equipped with the necessary knowledge, resources, and training to do so.

Language Access Planning Required By Law

The Civil Rights Act of 1964, Rehabilitation Act of 1973, and American Disabilities Act of 1990 each mandate aspects of language access for those who have LEP and those who are Deaf or Hard of Hearing. While important, **a** legal mandate alone cannot ensure that these members of these groups are in fact able to seamlessly access victim services as those who can fluently communicate in English. (See Table 1.) Effective capacity building among providers in our justice system is necessary to ensure that services are implemented in accordance with the spirit of the law.

Table 1: Legal Requirements for Language Access Planning

Populations with LEP	Populations who are D/d/HoH
Legal foundation	
• Title VI of the Civil Rights Act of 1964 and applicable regulations • Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency (2000)" and applicable regulations	• Section 504 of the Rehabilitation Act of 1973 and applicable regulations • Titles II and III of the Americans with Disabilities Act of 1990 and applicable regulations • Federal guidance, such as recent settlement agreement

• Case Law, such as *Lau v. Nichols*, 414 U.S. 563 (1974)	reached between DOJ and the City of Columbia, SC Police Department
Determining language access needs	
Goal: provide meaningful access to services by applying the following four-factor assessment: 1. Demography: number or proportion of LEP persons eligible to be served or likely to be encountered 2. Frequency of contact: frequency with which LEP individuals come in contact with the program and / or activities 3. Importance: nature and importance of the program, activity, or service to people's lives 4. Resources: resources available and costs	Goal: provide effective communication via auxiliary aids and services, given the nature of what is being communicated and the person's method of communication. • **Title II entities** (State and local governments) **are required** to consult with the person with a disability to discuss what specific aid or service is appropriate; **Title III entities** (businesses, for profit and non-profit organizations that serve the public) **are encouraged** to do so.
Comprehensive plan	
Language access plans are most beneficial when based on sound planning, have adequate financial backing, and are periodically reviewed and revised. Specifically, plans should follow five steps: 1. Identification of LEP persons to determine demography and frequency of contact	No formal requirement exists.

2. Language assistance measures to determine how language services will be provided 3. Training staff to ensure their awareness of LEP policies and procedures in place 4. Providing notice to LEP persons to ensure awareness of available services and resources 5. Monitoring and updating the plan to ensure changes in demography or availability of resources are taken into account	

As such, language access planning has historically been approached differently for these two groups and is typically associated with addressing the needs of individuals with LEP. Practitioners have developed more resources for use with communities with LEP than for use with the Deaf community due to the prescriptive guidance and approach to providing meaningful access. Vera's landscape analysis revealed that language access resources for individuals with LEP are much more detailed and reflective of the specific planning and implementation requirements outlined in the applicable statutes, administrative regulations, agency policies and procedures than are resources produced as a result of the reasonable accommodation processes employed through the Americans with Disabilities Act for Deaf individuals.

For example, practical, step-by-step guidance is offered to develop language access plans for individuals with LEP, including how to gather needed demographic data to determine the size of the LEP population in a given jurisdiction and the number of languages spoken within the population; formulaic assistance on analyzing the demographic data; the relative access to professional interpreters for each language identified;

and the entity's internal capacity (personnel, financial resources, technology) to address language access. Similar guidance documents for use with Deaf individuals are not statutorily required; therefore, the language access planning process for Deaf individuals has not followed a parallel process.

Notably, among the resources gathered from the landscape analysis to assess training and technical assistance efforts on language access, only two resources were found to address language access for both individuals with LEP and Deaf individuals.[33] Few other tools, trainings, tip sheets, or model policies address the spectrum of language access strategies for justice-related entities. Instead, training and technical assistance efforts require entities to approach their language access planning, provision, training, monitoring and quality assurance, and outreach separately for LEP and Deaf individuals.

BRIDGING THE GAP: A COMPREHENSIVE APPROACH TO LANGUAGE ACCESS

While the federal laws mandating the minimum guidelines for language access have arisen out of two discrete mandates, and outline two different standards for Deaf individuals and individuals with LEP, there is an opportunity to approach access for these diverse groups through one comprehensive process. Resources assessed in the landscape analysis reveal promising practices and field-tested strategies that can be modified and used with either population resulting in a comprehensive approach to language access.

Key strategies include:

▪   A demographic assessment of language needs;

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[33] *Resource Guide for Advocates & Attorneys on Interpretation Services for Domestic Violence Victims*, developed by the Asian & Pacific Islander Institute on Domestic Violence (2009); ABA guidance on best practices for using interpreters when representing crime victims.

- A clear standard and guidelines for determining eligibility for language assistance;
- A user-friendly process to identify effective methods for language assistance (oral, signed, and written);
- A process to discern and ensure that interpreters and translators are qualified, skilled in the relevant subject matter, and adhere to professional ethical standards;
- Comprehensive and ongoing training for employees responsible for carrying out language access plans and front-line language access services;
- Effective outreach strategies that reach Deaf and LEP individuals and provide notice to LEP and Deaf individuals of their rights to receive language assistance; and,
- Consistent monitoring and updating of language access plans and policies to reflect changing demographics, service and programmatic realities, and personnel changes.

Looking to the future, the language access gaps that exist today can be bridged by the development of curricula, tools, training resources, policies, and protocols that integrate and simultaneously address in detail the language access needs and issues of both people who have LEP or are Deaf among victim services providers, courts, law enforcement, and other allied professionals. Practitioners have also indicated their need for complementary training and additional capacity as reflected in the responses received through the national survey.

Access is about choice and knowledge – victims having the power and right to choose the language access strategy that best suits their needs and that allows them to seek supports from service providers. By providing victims with language service options, providers increase the likelihood that victims will take an active stance in obtaining the supports and resources that would best serve their needs. Empowering victims to be active participants in service provision may in turn build their confidence in the systems that serve them, and ultimately their needs will become integrated into and recognized by the criminal justice system. Providers and victims alike will

be more satisfied throughout the process of service provision, in determining goals or needs, and with resulting achievements.

Ultimately, ensuring all victims have access to justice, regardless of primary language, is the mission and responsibility of every victim services provider. Communication barriers do not have to stand in the way of victims' healing and support.

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