

# Social Services Interpreters and Bilingual Workers: Navigating the Roles and Acknowledging the Perils

June 2021



# What is OLAS and what do we do?

The **NCAOC Office of Language Access Services (OLAS)** helps facilitate equal access to justice for limited-English proficient individuals (LEP) in our court system by:

- Developing [Standards for Language Access Services in North Carolina State Courts](#) for the provision and efficient use of language access services
- Providing **support and guidance** for questions, concerns and issues involving interpreting and translating services
- **Administering court interpreter training and certification testing** provided by the National Center for State Courts, thereby ensuring the provision of proficient and ethical foreign language court interpreters to North Carolina courts
- Providing education, training, and resources to court officials, court personnel, and attorneys



# Equal Access to Justice



**Using a properly trained court interpreter ensures full and fair participation and facilitates equal access to justice for Limited English Proficient (LEP) individuals in the North Carolina court system.**

**Equally important is . . . .**



# . . . The Administration of Justice

The Court's *own* interests in ensuring effective communication and protecting the integrity of evidence that comes into the record or is presented before the court. Our courts should appear just and well-managed. Ensuring effective language access promotes court efficiency.



# Terms of the Profession



- **LEP:** Limited English Proficient
- **LOTS:** Language(s) Other Than Spanish
- **In-Language Services:** Providing information and assistance in the same language as the consumer
- **Interpretation:** The accurate and complete unrehearsed transmission of an oral message from one language to an oral message in another language
  - **Simultaneous Interpretation:** Interpreting continuously at the same time a person is speaking
  - **Consecutive Interpretation:** Interpreting a person's statement after that person has stopped speaking
  - **Sight Translation:** The accurate and complete transmission of written text from one language into the oral message in another language



# Terms of the Profession (cont'd)

- **Translation:** The accurate and complete transmission of written text from one language into written text in another language
- **Transcription - Translation:** The accurate and complete transmission of an audio source in one language into the written text of both the source and target language.
- **Linguist:** A person who is skilled in the study of language and its structure.
- **Cultural Competency:** an ability to interact effectively with people of different cultures and socio-economic backgrounds.



# What are Language Access Services?

The full spectrum of language services available to provide **meaningful access** to court proceedings and court operations for LEP individuals, including, but not limited to, in-person interpreting services, telephonic and video remote interpreting services, translation of written materials, and the use of bilingual staff.



# Language Access Services

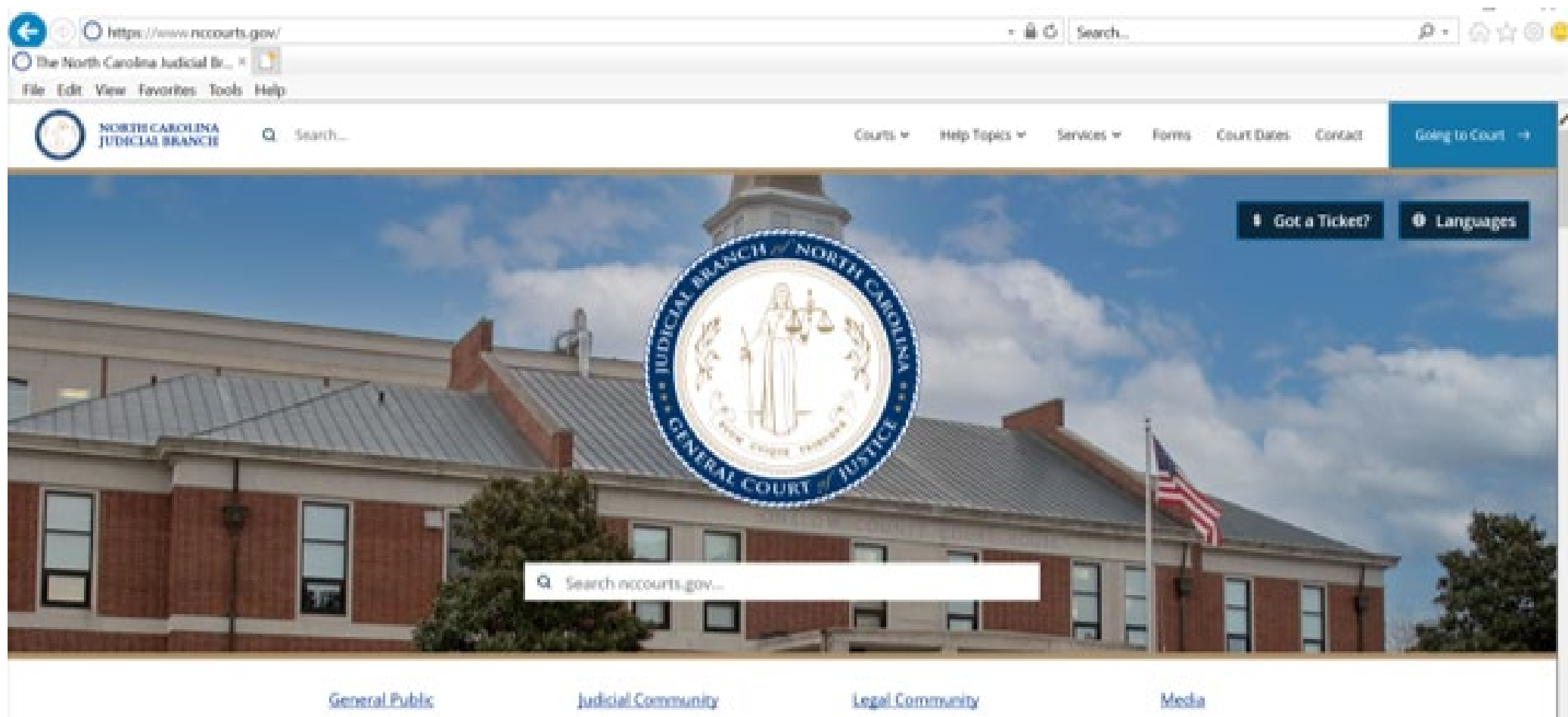
<p><b>In-person interpreting for court proceedings</b></p>	<p>Staff court interpreters in 9 counties:  <i>Alamance, Buncombe, Chatham, Durham, Forsyth, Guilford, Mecklenburg, Orange and Wake</i>            Contract court interpreters</p>
<p><b>Telephone interpreting service</b></p> <p><b>Current vendor:            Telelanguage, Inc.</b></p>	<p>Use by magistrates for initial appearances, public access, and brief, non-evidentiary matters            Use by district court for first appearances and brief routine matters            Use by district attorneys, public defenders, public access areas in clerks' offices, child custody mediation, and family court offices</p>
<p><b>Translation</b></p>	<p>Court forms and vital court documents.</p>
<p><b>Transcription - translation</b></p>	<p>Audio/visual evidence for district attorneys and public defenders or assigned counsel            Court interpreters are prohibited by their ethics from interpreting audio/visual recordings; all audio/visual recordings must be transcribed and translated <i>prior to the court proceeding</i></p>



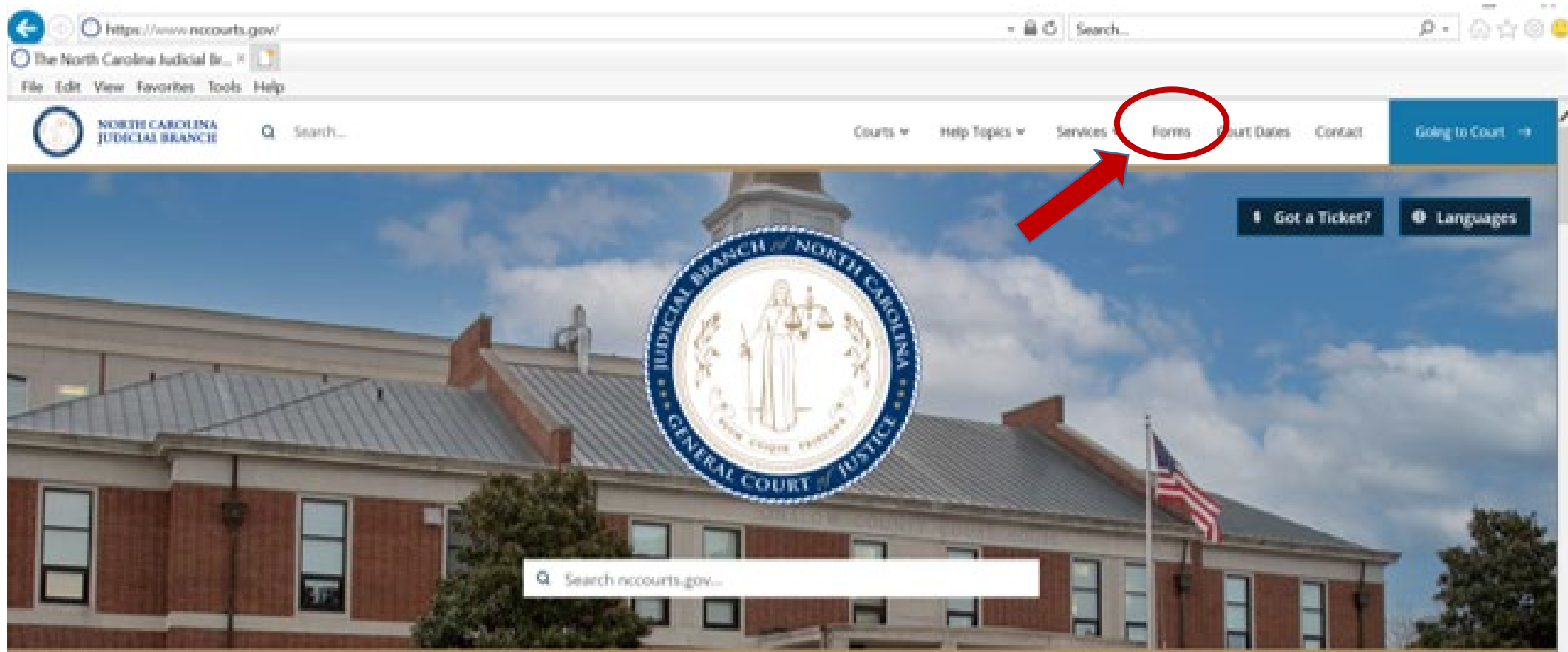


# Online Resources

– [www.nccourts.gov](http://www.nccourts.gov)



# AOC Bilingual Forms



# AOC Bilingual Forms

AOC Court Forms are available in English, Spanish, and Vietnamese

NORTH CAROLINA JUDICIAL BRANCH

Search...

Home > Documents > Forms

## Forms

Search statewide judicial forms. Narrow your search by entering a keyword, General Statute, form number, form title, etc.

### Filters

You can use the filters to show only results that match your interests.

Contains  
search keywords...

Form Number  
search form numbers...

General Statute  
search general statutes...

Subject  
- Any -

Language  
 - Any -  
 English  
 Español  
 Tiếng Việt

Looking for local rules and forms? [Find them by county](#) or [search all local forms](#).

### 1,008 Forms

**AOC-CR-314** Criminal Forms (CR) POPULAR  
[Criminal Record Search](#)

**AOC-CV-100** Civil Forms (CV) POPULAR  
[Civil Summons](#)  
— Multiple languages available

**AOC-E-506: CONTINUATION PAGES** Estate (E) POPULAR  
[Account](#)



# [www.nccourts.gov](http://www.nccourts.gov) – Request Form

The screenshot shows the top navigation bar of the North Carolina Judicial Branch website. The 'Services' menu item is circled in red. A dropdown menu is open, listing various services. A red arrow points to the 'Requests' option in the dropdown. The background features a photograph of the Robeson County Courthouse with the American flag and the North Carolina Judicial Branch seal.

NORTH CAROLINA JUDICIAL BRANCH

Courts ▾ Help Topics ▾ **Services ▾** Forms Court Dates Contact Going to Court →

Q Search...

Payments  
Citation Tickets  
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Appellate Courts  
Business Court  
Civil Cases  
Requests  
Court Date Notifications  
Criminal Background Check  
Language Interpreter  
Public Record  
Remote Public Access  
See All Services

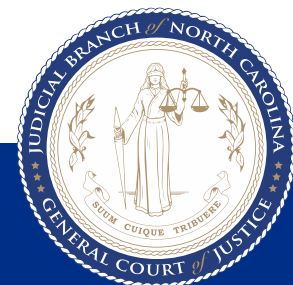
ments and Services Languages

ROBESON

JUDICIAL BRANCH

GENERAL COURT

Q Search nccourts.gov...



# Language Access Coordinators Receive Interpreter Requests for Court Proceedings

- **Designated Language Access Coordinators (LACs)** have assumed the responsibility to schedule court interpreters for all court proceedings
- LACs receive and evaluate completed requests for interpreters via the [\*Request for Spoken Foreign Language Court Interpreter\*](#), and schedule appropriate coverage
- Court interpreters must be scheduled by the LAC or OLAS in order to be paid with judicial branch funds – **they cannot seek payment elsewhere.**



# Full Expansion of Language Access Services

- **Magistrates** - All civil and criminal *proceedings* before the magistrate, including marriages
- **Clerks** - All *proceedings* before the clerk of superior court, including estates, foreclosures, name changes, and other proceedings
- **District Court** - All criminal and civil court *proceedings*
- **Superior Court** - All criminal and civil court *proceedings*

**THIS MEANS:** All limited English proficient (LEP) parties in interest must be provided an AOC court interpreter **at no cost to the party.**



# NCAOC does NOT bear the cost of interpreting services for Other Agencies:

- **Probation** – Adult probation - Department of Public Safety (DPS)
  - **Law enforcement functions** – Law enforcement agency (DPS)
  - **Juvenile Justice** – conducts court counseling sessions, juvenile intake, etc. (DPS)
  - **Legal Aid** – 50B and 50C petitioners are often represented by Legal Aid. While NCAOC pays for interpreting services required for the actual **court proceeding**, it does **not** extend to counsel-client meetings or negotiations between the parties.
  - **Criminal Mediation Centers** – non-profits that attempt mediation between the defendant and victim to resolve criminal matters without being prosecuted.
  - **Child Support Enforcement Agencies** – (IV-D cases) Out of court interpreting needs are the responsibility of DHHS.
  - **Domestic Violence / Sexual Assault advocacy agencies**
  - **Social Services** – Out of court interpreting needs are the responsibility of DHHS.
- **RULE:** The entity under whose responsibility the activity occurs bears the cost of the language access services necessary to conduct that agency's functions.



# The Court Interpreter's Role

To provide equal access to justice and court proceedings by linguistically *placing the LEP individual in the same position as an English speaker.*

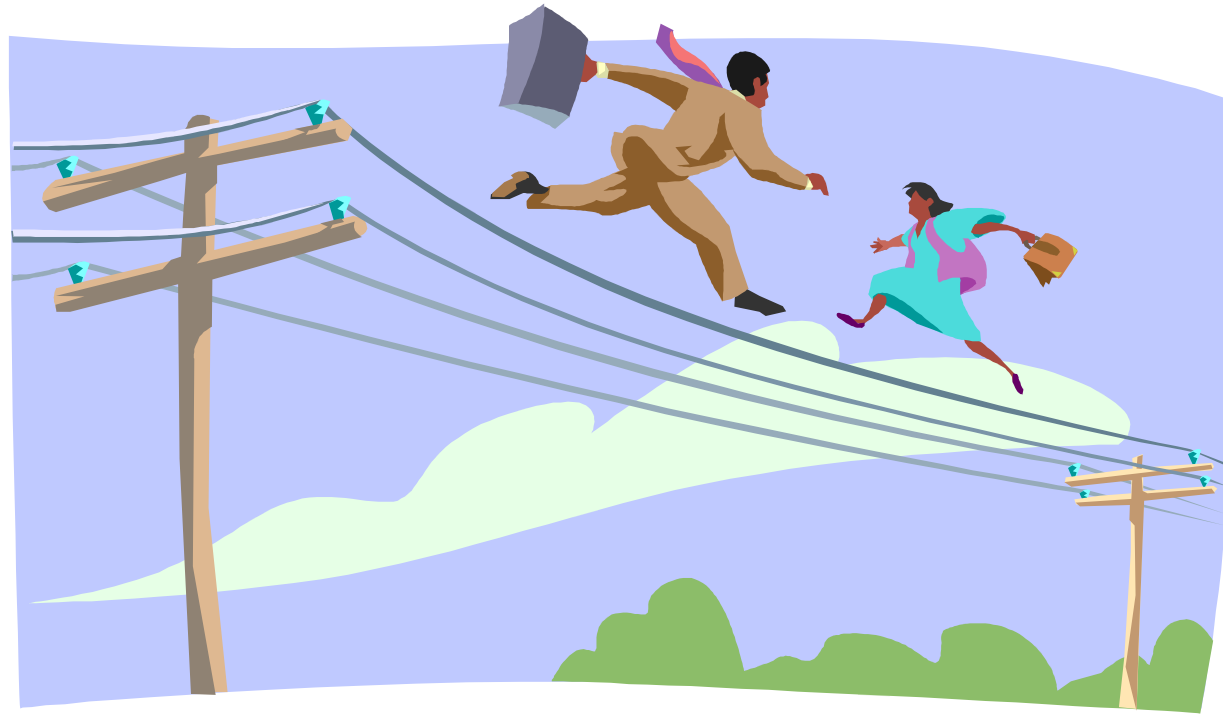
Equal access does not mean better access.





Interpreters are. . .

# Neutral Language Conduit



# What the Court Interpreter Must Do:

- Render everything said in court from the source language into the target language
- Accurately without any distortion of meaning
- Without omissions
- Without additions
- Without changes to style or register
- With as little delay or interference as possible. . .
- While speaking and listening for the next chunk of language; and
- Monitoring their own output

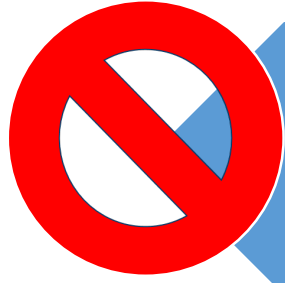


# Idiomatic Expressions

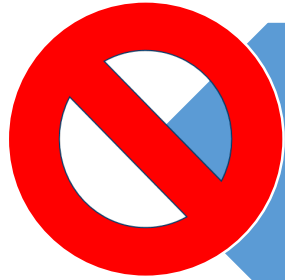
- Spill the beans
  - Brew tea from dirt under another's fingernails
  - To turn around the pot
  - To hang noodles on one's ears
  - Don't chop my teakettle
- English: tell a secret
  - Japanese: to learn a bitter lesson
  - French: avoid
  - Russian: to tell lies / talk nonsense
  - Yiddish: stop annoying me



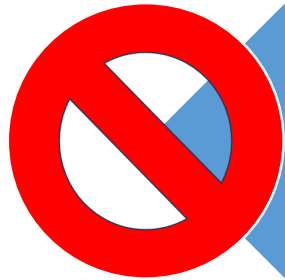
# The Court Interpreter Cannot . . .



To explain anything to anyone



To fill out forms



To be an advocate



# Community Interpreter Code of Ethics

Pledge to support the communicative autonomy of the parties for whom you interpret by

- I. Observing Confidentiality
- II. Striving for Accuracy
- III. Displaying Impartiality
- IV. Ensuring Transparency
- V. Promoting Direct Communication
- VI. Respecting Professional Boundaries
- VII. Supporting Intercultural Communication
- VIII. Maintaining Professional Conduct



# Non -English Evidence

- **Non-English Written Documents:** Parties should have documents translated into English by credentialed (ATA-certified and/or educational credentials) translators who submit a notarized certificate of accuracy setting forth credentials and statement of accuracy following translation protocols.
- **Transcription-Translation:** This work requires an extremely high level of skill. For example, OLAS limits Spanish T-T assignments to teams of federally certified court interpreters. The best evidence of non-English audio is a properly prepared transcription-translation, accompanied by a notarized certificate of accuracy from the lead setting forth the lead's credentials. Court interpreters are prohibited by their ethics from trying to interpret audio recordings in court because it is impossible to do so accurately, which would threaten the integrity of the evidence.



## EXCERPT FROM TRANSCRIPTION - TRANSLATION OF MIRANDA WARNINGS GIVEN TO ALEJANDRO RAMÍREZ – Botched interrogation in a Pennsylvania murder case of Ever Perez

MV1	Jennifer Rodríguez is translator... and we are going to advice Alejandro of his rights in... uh... Spanish	
FV1	Ok... Alejandro, aquí son sus derechas abajo la ley... ¿Ok?... El señor Lutha es una policía.	Ok... Alejandro, here are your right hands down with the law... Ok? ... Mr. Lutha is a policewoman.
MV2	¿Cómo?	What?
FV1	... Eh, usted tiene la derecha que algo... que usted... uh... va... puedes usar contra usted en una corte de la ley. Usted tiene la derecha absoluta para quedarse en silencio si usted prefiere. Usted tiene la derecha a dar visa de abogado antes y también usted tiene la... uh... derecha con la presencia de un abogado aquí con usted durante las preguntas y también si usted no puede pagar para un abogado es posible para tener un abogado... ¿Ok?... sin pagar antes las preguntas... ¿Ok?... ¿Entiendes usted todas esos derechas abajo la LAW?	... Uh, you have the right hand that something... that you... uh... are going... you can use against you in a court of the law. You have the absolute right hand to remain quiet if you prefer to. You have the right hand to give a lawyer's visa before and also you have the... uh... right hand with the presence of a lawyer here with you during the questions and also if you cannot hit for a lawyer it's possible for having a lawyer... Ok?... without paying the questions before... Ok?... Do you understand all these right hands down with the LAW [in English in the original]?
MV2	Sí	Yes
FV1	Ok... Bueno...	Ok... Good.
	He does understand his rights as I have read them... (overlap)...	
MV1	... Ok... Does he... does he know that he doesn't have to, have to talk to us, right?	
FV1	... That's right... (overlap)	
MV1	... That he can have an attorney?	
FV1	... (overlap)... Yes. That is correct.	
MV1	Ask him does he want to... make a statement without a lawyer.	
FV1	Alejandro, ¿quieres... uh... hablar un poquito... (overlap)...	Alejandro, do you want... uh... to talk a little bit... (overlap)...



# Fluency is Required for Interpreters and Bilingual Workers

- Interpreters must be fluent in both the source language and the target language.
- Bilingual workers must be fluent in the native language of the service user.

What does language fluency mean?

What can impact one's level of fluency?

How can level of fluency impact the success of the communicative event?





# Language Fluency: There's a Test for That!

Oral Proficiency Interview (OPI) – tests language proficiency. It does not test interpretation skills

ACTFL OPI: Offered by Language Testing International – LTI, Inc. – [www.languagetesting.com](http://www.languagetesting.com)



# Vicarious Trauma

- What is it?
- How does it happen?
- Does it have to happen?

PREVENTION – Interpreter must identify their own traumas and learn how to take care of themselves to avoid the debilitating effects of vicarious trauma.



# Resources:

<https://www.atanet.org/interpreting/vicarious-trauma-and-interpreters/>

<https://vicarioustrauma.com/whatis.html>

Cross-Cultural Communications, LLC :

[www.cultureandlanguage.net](http://www.cultureandlanguage.net); [www.thecommunityinterpreter.com](http://www.thecommunityinterpreter.com)

[Breaking Silence: A Workbook of Role Plays and Exercises — Cross-Cultural Communications \(cultureandlanguage.net\)](http://www.cultureandlanguage.net)

Seek out trauma-informed interpreter training: specialized training helps interpreters give their clients a voice and learn valuable skills on how to prevent vicarious trauma in themselves.



# Want to Become a Court Interpreter?

<https://www.nccourts.gov/programs/office-of-language-access-services/do-you-want-to-be-a-court-interpreter>

- **Attend the NC Court Interpreter Orientation Training Session and pass the Written Screening Tests;**
- **Submit a completed AOC-A-207 Application to be a Registered Court Interpreter found on-line at NCCourts.gov;**
- **Attend a Skill Building Workshop approved by NCAOC in order to be eligible to sit for the oral NC Court Interpreter Certification Examination (NCCICE);**
- **Register and sit for the N.C. Court Interpreter Certification Examination (NCCICE);**
- **Contract with NCAOC to provide services to the N.C. state courts.**



# NCAOC Classification Levels for Court Interpreters for the Spanish Language

- **Level A1: Master Certified:** Achieved passing or higher scores on the FCICE or achieved scores of 80% or higher on all sections of the NCCICE. The master certified court interpreter has demonstrated exceptional language and interpreting skills proficiency.
- **Level A2: Certified** - Achieved passing (70%) or higher scores on all sections of the NCCICE. The certified court interpreter has proven both language and interpreting skills proficiency at a level required of a court interpreter.
- **Level B: Conditionally Qualified** - Achieved passing scores on two of the three sections or scored within 10 points of passing all three sections of the NCCICE. The qualified court interpreter has demonstrated language skills and intermediate interpreting skills proficiency.





# Thank You

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