

# Tips for Effective, Accurate, and Confidential Interpretation



A VRLC Privacy TA  
Projects Resource

## **The Victim Rights Law Center**

The Victim Rights Law Center provides free, comprehensive legal services for sexual assault victims with legal issues in Massachusetts and Oregon. We also provide national support to attorneys and other victim service providers with civil legal services and confidentiality questions through OVW-funded technical assistance and training. You can contact the VRLC privacy TA team at [PrivacyTA@victimrights.org](mailto:PrivacyTA@victimrights.org).

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## Introduction

Talking about gender-based violence<sup>1</sup> can be challenging in any language. Talking about gender-based violence in a non-native language or without hearing what is being said can be especially difficult. Survivor-centered services require victim service providers to collaborate with interpreters to communicate with survivors. Here are some suggestions for working with interpreters and for keeping interpreted communications confidential.

### Does a survivor need an interpreter?

- *If a survivor does not speak English or is Deaf.* A survivor will probably be able to identify their first language for you. If, however, you cannot determine what language they speak, you can use a language line or language identification card to help recognize their language. Language identification cards may be purchased online.
- *If a survivor speaks some English, but is a non-native speaker, or if they are hard of hearing.* You should offer each of these survivors the assistance of an interpreter.
  - ❖ *Tip:* Let a survivor know that they will not need to pay for the interpreter services because you will cover the cost.

### Who may interpret?

- *Use professionally trained interpreters.* Familiarize yourself with agencies or businesses that provide interpretation locally as well as national telephone services. You may want to keep a list of interpreters you know do a great job.
  - ❖ *Ask interpreters about their qualifications.* For example: How many years of experience do you have with both English and the other language? What training and experience do you have as an interpreter? Are you certified or otherwise qualified to interpret in court? How have you been trained about interpreting for or working with survivors of gender-based violence?
  - ❖ *Remember:* Do not use children, other family members, or other general community members as interpreters because survivors may not want them to hear the content of the conversation, and family and friends may be uncomfortable knowing it. Untrained interpreters can negatively impact the neutrality, quality, and privacy of information being interpreted. A survivor's safety may be jeopardized if, for example, an interpreter has a relationship with

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<sup>1</sup> Gender-based violence includes sexual assault, dating and domestic violence, stalking, and sex trafficking.

the perpetrator. A survivor might be ashamed, embarrassed, and have other privacy issues because of an interpreter's role in the community. Professional interpreters have specialized training and expertise in how to provide the unbiased, accurate, gender-based violence-specific, and confidential interpretation that is needed for efficient, ethical, and quality victim services.

- ❖ *Advocate interpretation can put privacy at risk.* Using an advocate to interpret conversations with third parties can place privacy at risk because it can create confusion about the advocate's role when they received or shared the information. For example, if information that was confidential is later shared with someone outside of the victim-advocate relationship, is it no longer privileged? Where does the privileged communication end and the shared, non-privileged communication start?
  - ❖ *Sometimes you will need more than one interpreter.* Providing interpretation is hard work. You may need more than one interpreter for longer meetings or hearings. For example, American Sign Language interpreters typically provide services in teams of two so that they can work in shifts of 15 to 20 minutes.
  - ❖ *Think about privilege and confidentiality.* Make sure all agency staff and volunteers know whether using an interpreter puts at risk any privileges that might apply in your jurisdiction, such as attorney-client, victim-advocate, or therapist-patient privileges.
  - ❖ *Tip:* Make sure that the interpreter and the survivor speak the same dialect if there are multiple dialects of the survivor's language.
- *Conduct a conflict check.* Be sure that an interpreter is not known, associated with, or had any prior contact with the survivor or perpetrator outside of a professional interpretation context. Require an interpreter to disclose any real or perceived conflicts of interest. You may want to require interpreters to sign a conflict of interest form each time they interpret with you.
  - *Communicate with interpreters before hiring them.* Talk to an interpreter about what will be discussed during the interview. If the interpreter feels embarrassed by the subject matter, cannot adequately interpret everything said, or feels that it is disrespectful to say the words the perpetrator used, you will need to find a different interpreter. Let the interpreter and the survivor know each other's pronouns.
  - *What to do in an emergency.* Ideally, your organization will have a policy on what to do if you are unable to find a qualified interpreter when you

need one. This policy might reflect that your response to this situation will be determined by how well you know a survivor, what the survivor wants, and what is required to preserve any privilege or confidentiality you may have. If the survivor gives informed, written consent to work with someone other than a professional interpreter during an emergency, this should be an exception. Proceed carefully.

## Working with an interpreter before the interview

- *Meet in advance with the interpreter.* Discuss how the interpretation will be conducted and practice if necessary. If the interpreter has no training or experience working with survivors, give an overview of gender-based violence, how to work with a survivor, and common terminology that might come up.
  - ❖ Be sure the interpreter will interpret everything that is said without changing the meaning or adding or omitting anything.
  - ❖ Ask the interpreter to speak in the first person. For example, if the survivor says, "I was scared" the interpreter should say, "I was scared."
  - ❖ Explain that if the survivor does not understand something, the interpreter should ask you to clarify it; the interpreter should not give their own explanation of what you mean to the survivor.
  - ❖ Invite the interpreter to ask you or the survivor to slow down to assure accurate interpretation. Establish a signal that the interpreter can use to ask you to slow down if they don't want to interrupt the interpretation to make the request.
  - ❖ Encourage the interpreter to take notes if it helps to provide a more accurate interpretation. Let the interpreter know that they will need to give you the notes at the end of the session to protect survivor confidentiality.
- *Have the interpreter sign confidentiality documents.* Interpreters should sign both a confidentiality agreement and a statement that they agree to abide by the Code of Professional Responsibility for Interpreters, or similar codes or rules that may govern their profession in your jurisdiction, including local court rules. The confidentiality agreement should require the interpreter not to discuss, report, offer an opinion, or otherwise communicate about a matter in which they were engaged, even when that information is not privileged or required by law to be confidential.
- *Have the survivor sign a VAWA-compliant release allowing you to share information with the interpreter present.* Discuss, reach agreement about,

and record in writing the survivor's informed consent for you to release personally identifying information with the interpreter present before you share any of the survivor's personally identifying information. Make sure the survivor understands whether or not the conversation with the interpreter will be privileged given the law in your jurisdiction.

## Working with the survivor and interpreter during an interview

- *Ensure understanding.* Arrange for the survivor and interpreter to talk before the interview to ensure that they understand each other; if they do not, you will need to find a new interpreter.
- *Be clear about the interpreter's role.* When you introduce the survivor to the interpreter, explain the interpreter's role. This will remind the interpreter what you expect.
- *Speak directly to the survivor, not with the interpreter.* Remember your goal is to help build trust and rapport with the survivor, not the interpreter. Therefore, during the session, you should speak directly to and have eye contact with the survivor.
  - ❖ *Hint:* Think about the best location for the interpreter during a meeting. Arrange everyone involved in the conversation so that you can look directly at the survivor and clearly hear the interpreter. Decide what set up you plan to use before the meeting.
- *Speak slowly using short sentences and frequent pauses.* Speak in simple English without using slang, legal vocabulary, abbreviations, or acronyms to be more easily understood and interpreted. For example, expressions such as "Are we on the same page?" or "How did things go down?" can be confusing if literally interpreted.
- *Limit side conversations between the interpreter and the survivor.* If the survivor and interpreter begin a side conversation, tactfully steer the conversation back to you by reminding the interpreter that you need to know everything that the survivor is saying. Remind the survivor that you—not the interpreter—are there to answer any questions the survivor may have.
- *Interrupt incorrect interpretation.* Interrupt incorrect interpretation. If an interpreter is providing interpretation in a language you understand, and you notice that the interpreter is missing words (e.g., is not repeating profanity, is not conveying the importance of a legally significant term by using its common meaning, or is otherwise inaccurate) interrupt them and see if they can address the problem. If they can't, or won't, then you will need to use another interpreter. Your approach to this problem will

necessarily vary depending on the setting (e.g., courts may not allow you to interrupt to explain the problem and you will have more latitude when participating in a police or office interview). If you are not the survivor's attorney, you may want to prearrange a way to signal or inform the attorney that there is an issue with the interpretation. Inaccurate interpretation can impact communications with a survivor or the outcome of a proceeding. You may want to file a grievance with a court, or if the problem is with an interpreter you are using through a language line, inform the manager of the language line of the problem you faced with the interpreter.

- *Allow the interpreter to educate you about cultural context.* An interpreter can help you understand what a survivor is telling you. Literal interpretation or translation sometimes leads to misunderstandings and may be insufficient without a cultural context to add the full meaning. If you reach a point in the interview where the survivor is not understanding what you are asking or is not responding to the question you are asking, ask the interpreter for any insight into what the issue may be and to help explain the cultural significance of certain statements. Discuss in advance how you might do this. Explain to the survivor that you are asking the interpreter's advice so the survivor knows why the information isn't being communicated with them.
- *Take breaks.* Interviews with survivors of gender-based violence may be lengthy and emotionally difficult. Make sure to take breaks to benefit the survivor, the interpreter, and you.

## Conclusion

Survivor-centered services require that victim service providers and survivors have clear communications with each other. These tips provide guidance for using interpreters to keep interpreted conversations transparent and confidential. Please contact the VRLC privacy TA team at [PrivacyTA@victimrights.org](mailto:PrivacyTA@victimrights.org) for any help with providing confidential services for survivors of gender-based violence.

