

# **THE CHALLENGES OF ADULT VICTIM SEXUAL ASSAULT CASES**

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## ***Interpreters in Adult Victim Sexual Assault Cases***

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**\*A project of Legal Momentum in cooperation with the National Association of Women Judges**

# **National Judicial Education Program\***

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## **Interpreters in Adult Victim Sexual Assault Cases**

### **FACULTY MANUAL**

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## Overview

The lack of properly trained and qualified court interpreters is a significant threat to fairness in the U.S. justice system. This issue is especially relevant for sexual assault cases and cases that involve the intersection of sexual assault and domestic violence. The victim is traumatized. The court system is frightening. Encountering an unskilled and biased interpreter can be devastating. Court interpretation is a highly specialized skill with surprising subtleties, particularly for sexual assault cases. Most court interpreters lack training on sexual assault and domestic violence issues. Unqualified or unprofessional court interpreters can mislead both- victims and judges through personal biases or intentional and/or unintentional misinterpretations. It is essential that judges have an understanding of the critical role interpreters play in sexual assault cases.

In jurisdictions without immediate access to qualified, professional interpreters, courts have relied on family or community members to provide these services. This is not a best practice because personal motives may affect the proceedings and influence how a case is presented. Interpreters with a connection to the victim may try to persuade her to drop her charges in order to protect their community's reputation. Judges should also be aware of gender-biases or paternalistic attitudes that may exist within certain ethnic or cultural groups and how this could distort a case.

When using an interpreter for a sexual assault case there are several key elements a judge should consider. Recognize the victim's right to a qualified and professional interpreter. Know the resources available for victims who speak less common languages or dialects. Be aware of interpreters' speech and body language in order to detect inconsistencies or inappropriate behavior. If allowed in his/her jurisdiction, a judge should *voir dire* interpreters before they are used in the courtroom and explain the role of the interpreter to the entire courtroom prior to the trial.

Ultimately, it is important for judges to recognize their role as educators and leaders on this issue. Judges can work with their jurisdiction's Office of Court Administration or Court Interpreters Program to require or at least encourage interpreters to receive training on sexual assault and domestic violence issues. Judges can also work with their jurisdiction's judicial education programs to incorporate training for new judges and court employees on this issue.

### **Learning Objectives**

Participants will be able to:

- Identify the objections to having victims' family, friends or community members interpret in cases of sexual assault or domestic violence
- Identify the objections to having victims' children interpret in cases of sexual assault or domestic violence
- Be alert to possible unethical behavior by professional interpreters in cases of sexual assault and domestic violence
- Know the resources available to enhance court interpreter services
- Work with their AOC to improve training and certification for court interpreters

### **Components of this Module**

This curriculum includes the following components:

- A PowerPoint presentation, with suggested commentary for the faculty and extensive references
- A sample agenda
- An interactive exercise
- A handout listing articles and resources to improve court interpreter services in adult victim sexual assault cases
- Binder Cover and CD Label

### **Suggested Uses for this Curriculum**

This curriculum can either be used as a stand-alone program or judicial educators can integrate it into an existing judicial education program

In this topic module, key background information, examples, exercises and resources on the role of interpreters in the court are presented with the aim of integrating this aspect of sexual assault cases into existing judicial education programs

Examples of programs into which this topic module could be incorporated are:

- Interpreters in the Courts
- Immigration
- Public Trust and Confidence in the Courts
- Domestic Violence
- Sexual Abuse
- Cultural Defenses
- Asylum
- Immigrant Populations in Your Jurisdiction

### **Planning the Program**

Educators wishing to present this *Interpreters in Adult Victim Sexual Assault Cases* topic module or to integrate its subject matter into other judicial education programs should plan as follows:

- Adapt the material to local law and practice (see “Adapting the Curriculum to Your State” section in this Faculty Manual)
- Select the presenter/moderator for the program
- Depending on the size of your group, decide whether you will use small groups or a large group discussion for the case study exercise
  - If you are going to use small groups, decide whether you will choose small group discussion leaders in advance. If so, identify them
  - If you are not going to choose your small group leaders in advance, the case study exercise directions give you a way to choose group leaders quickly, in order to save time
- Ensure that all faculty members are thoroughly familiar with the parts of the curriculum they will present or the discussions they will lead

**Sample Agenda**

**75-Minute Program**

<b>Amount of Time</b>	<b>Activity</b>
45 minutes	Presentation (Slides 1-21) with Q & A
30 minutes	Interactive Exercise

**Case Study Exercise**

**Setting:** This exercise is geared toward small groups.

**Recommended Amount of Time:** 30 minutes. For small groups, allow 15 minutes for discussion and 15 minutes for reporting back.

**Faculty**

**Presenter/Moderator:** This curriculum is designed to be presented by one Presenter/Moderator, who delivers the lecture portion of the curriculum, introduces the case study exercise, and moderates the report back. The Presenter/Moderator must be a skilled, experienced judge or judicial educator, well-versed in your court's challenges presented by a sexual assault case.

**Small Group Facilitators:** You can either select your small group facilitators ahead of time or choose them at the program.

**With Pre-Selected Small Group Facilitators:**

- If you pre-select the small group facilitators, meet with them before the program to review the exercise and discussion questions and be sure the exercise is adapted to your jurisdiction
  - Ask them to appoint the person to their immediate left to be the Reporter who takes notes and gives the Report Back for the group. This saves time
  - Review with them the key elements of leading a small group discussion, such as being sure that everyone speaks and no one person dominates

**Without Pre-Selected Small Group Facilitators:**

- Assign the facilitator role to the person at each table whose last name begins with the letter closest to A
- Assign the Reporter role to whomever is sitting to the left of the facilitator

**Adapting the Curriculum to Your State**

- If your state has its own code of conduct for interpreters, utilize it for the program
- Determine whether there are any other state statutes, court rules, etc. with respect to interpreters. Decide whether to include these resources in your handouts
- Determine whether there is relevant case law in your jurisdiction that addresses the issues raised in this program
- Be sure the slides and exercises use the terminology of your state. We use the term “sexual assault” throughout this curriculum to describe the wide range of sexual crimes. You may need to modify the terminology to fit your jurisdiction’s statutory scheme

**Participant Materials**

Include the following in the Participant’s Binder:

- Faculty Biographies
- Agenda
- PowerPoint Slides, printed three to a page with room for note taking
- Case Study Exercise
- Handout listing articles and resources to improve court interpreter services in adult victim sexual assault cases
- Your evaluation instrument

**Preparing Participant Materials**

The handouts for the Participant’s Binder are available on the CD for this module and on the National Judicial Education Program (NJEP)’s website, [www.njep.org](http://www.njep.org). To access materials for this module as well as any of NJEP’s other resources, click on “Sexual Assault Resources.” On the Sexual Assault Resources page, click on the “Resources

Available for Download” link which will direct you to the registration and login page for NJEP’s materials for in-person education, where you will find this module. Registration is free and will provide you with a username and password that you will need to gain access to this section of the website.

To print handouts from the CD or the NJEP website:

- Click on the link to the handout you want to print. Clicking the link will download the handout to your computer as a PDF
- Open the downloaded PDF files
- Print and copy the handouts

To print PowerPoint slides as handouts for note-taking:

- Navigate to the Print Menu
- From the Print Menu select the “Print What” pull-down menu and choose “Handouts”
- From the “Color/Grayscale” menu select “Pure Black and White”
- From the “Slides per page” pull down menu select “3”

### **Binder Cover and CD Label**

This module includes a folder called “Graphics for Reproducing Interpreters Module.” This folder contains two ready-to-print documents titled “Binder Cover” and “CD Label.” The binder cover and label are intended to be affixed to the binder and CD for this topic module. To print the CD label, purchase Avery CD label paper at an office supply store or online at [http://www.avery.com/avery/en\\_us/](http://www.avery.com/avery/en_us/). Put the Avery paper into any regular printer, print the label onto it and affix to the CD.

### **Presenting the PowerPoint Presentation**

The lecture portion of this curriculum is contained in a PowerPoint presentation, with suggested commentary for the faculty included in the notes section of the slides. Sources are included on the slides. The PowerPoint presentation is provided on the CD and on the National Judicial Education Program's website, [www.njep.org](http://www.njep.org).

To present the PowerPoint, navigate to the View menu or tab and click "View Slideshow." The slide will fill the screen.

- To move to the next slide click your left mouse button, press "Enter" on the keyboard or use the forward arrow key on your keyboard
- To return to a previous slide, press "Backspace" on your key board or use the back arrow on your keyboard
- For more options use the right mouse button or for Mac users press the apple/control key and click your mouse button
- To exit the Slideshow mode press Escape (Esc) on the top left corner of your keyboard

#### **How to Print PowerPoint Slides with Suggested Commentary for the Presenter:**

- To print the slides with suggested commentary for guidance during the presentation follow these steps:
  - Navigate to the Print Menu
  - From the Print Menu navigate to the "Print What" pull-down menu and select "Notes Pages"
  - Select the "Color/Grayscale" pull-down menu and choose "Pure Black and White"

### **Evaluation**

Evaluation is a critical component of any judicial education program. Because jurisdictions have their own standard evaluation instruments and procedures, we have not included a suggested evaluation form here.

### **Technical Support**

The National Judicial Education Program (NJEP) is available to provide technical assistance to judicial educators and judges who are planning programs using these materials. Please contact us if you need technical assistance or have any questions about using this curriculum.

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