

The National Advisory Board of “*Serving Limited English Proficient (LEP) Battered Women: A National Survey of the Courts’ Capacity to Provide Protection Orders*” recommends that the following Code of Professional Responsibility for Interpreters Serving Limited English Proficiency (LEP) Victims of Domestic Violence be read, understood, and strictly adhered to by interpreters providing services to victims of domestic violence. These canons cover interpreting services in *non-judicial* settings, such as intake and meetings with service providers, interviews with police, and communications with advocates and medical personnel. Although the following Code relates to domestic violence cases, the canons are equally applicable to cases involving sexual assault.

**Code of Professional Responsibility for Interpreters Serving
Limited English Proficiency (LEP) Victims of Domestic Violence
outside of the courtroom and judicial settings**

These Canons apply to interpreters who are serving limited – English proficiency (LEP) victims of domestic violence in non-judicial settings such as intake and meetings with service providers, interviews with police, and communications with advocates and medical personnel. For judicial proceedings, interpreters are governed by, and must strictly observe the provisions of the Code of Professional Responsibility for Interpreters in the Judiciary.

CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without additions or omissions.

Commentary:

The interpreter has a threefold duty: 1) to ensure that conversations and discussions in English are interpreted accurately for an LEP individual; 2) to ensure that information and discussions in the LEP person's language are interpreted accurately for English speaking individuals; and 3) to place the LEP person on an equal footing with those who understand English.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate if they distort the meaning of the source language, but *every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted*. This includes apparent misstatements. The interpretation of all spoken statements will help the interviewer more clearly understand the LEP speaker's limitations, philosophy, attitude, or lack of understanding.

Interpreters should convey the emotional emphasis of the LEP speaker without re-enacting or mimicking the speaker's emotions or dramatic gestures.

Interpreters should not interject their own words, phrases, or expressions as a substitute for what is actually said. If the need arises to explain an interpreting problem or a linguistic barrier in order to facilitate communication between the LEP person and the interviewer, the interpreter should ask for the interviewer's permission to provide an explanation. If a discussion of the problem or barrier becomes necessary, the interpreter should be careful to include the LEP individual in the entire discussion. The interpreter must refrain from acting as a cultural expert and must never attempt to explain "cultural differences" or provide culture-based advice.

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certification, training, and pertinent experience.

Commentary:

Acceptance of a job by an interpreter conveys linguistic competency and interpreting skills. It is therefore essential that interpreters present a complete and truthful account of their training, certification and experience prior to providing interpreting services. Persons providing services to victims of domestic violence should always seek a competent, trained interpreter to insure that the interpretation is accurate and complete. No bilingual court employee should be coerced or forced to act as an interpreter. If a non-qualified interpreter is interpreting for a LEP victim in a non-judicial setting, the interpreter must convey his/her limitations to the English speaking person for whom the services are provided.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary:

The interpreter should avoid any conduct that presents the appearance of bias against or favoritism toward any of the parties. The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

An interpreter must preserve a strictly professional relationship with the LEP victim for whom he or she is interpreting. An interpreter must neither encourage nor discourage an LEP victim with regard to the case. The interpreter must not engage in conversations with the LEP victim, except as required in the discharge of interpreting duties. An interpreter should prudently and with sensitivity discourage an LEP victim's personal attachment or dependence upon the interpreter.

During the course of the case, interpreters should not converse with other parties, potential witnesses, attorneys, or with friends or relatives of the LEP victim or any other part, except as required in the discharge of interpreting duties.

If the interpreter is serving a dual role and is also acting as a LEP victim's advocate, or if the LEP individual develops a personal dependence on the interpreter, the interpreter should not accept any other interpreting assignments related to the case, including interpreting for the court or for any other party in the case. Such advocacy and dependency creates a conflict of interest for the interpreter and the interpreter must reveal that conflict to other persons providing services to the LEP victim.

CANON 4. PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a professional manner and should be as unobtrusive as possible.

Commentary:

Interpreters should know and observe the established protocol, rules, and procedures relating to interpreting services, including the ethical requirements of the organization for which those services are rendered. Interpreters should work without drawing undue or inappropriate attention to themselves and should dress in a manner that is consistent with the nature of the assignment.

Interpreters should avoid personal or professional conduct that discredits the interpreting profession.

CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Commentary:

The interpreter must protect the confidentiality of communications that are protected by a legal privilege, such as the attorney-client, doctor-patient or victim-advocate privilege.

Interpreters must not disclose information deemed confidential by statute, case law, or court rule or policy.

In domestic violence cases, the interpreter must not reveal information that may jeopardize the safety of the victim, including safe shelter information or the whereabouts of the victim.

CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Interpreters must avoid speaking to the media or any other person or entity about the facts of a case and should not voice an opinion about the veracity of the parties or evidence in the case.

Interpreters providing services in a domestic violence or sexual assault case or any case wherein an order for protection is being sought should refrain from repeating or disclosing *any* information about the case, including the names of the parties and the nature of the case, regardless of whether that information is privileged or otherwise deemed confidential.

CANON 7: SCOPE OF PRACTICE

While serving as an interpreter, interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating.

Commentary:

Because the interpreter's only role is to enable others to communicate, the interpreter's activities are limited to interpreting or translating. Interpreters should refrain from initiating communications while interpreting unless such communications are necessary to ensure an accurate and faithful interpretation. Interpreters may be required to initiate communications when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking clarification if the interpreter is unable to understand or express a word or thought, requesting permission to clarify an unfamiliar regionalism, seeking permission to consult a bilingual dictionary or other resource, requesting speakers to moderate their rate of communication or repeat or rephrase a statement, correcting interpreting errors, or notifying the interviewer if the interpreter has reservations about his/her own ability to satisfy an assignment competently. To signify that the interpreter is speaking personally and not interpreting the LEP individual's words, the interpreter should refer to himself or herself in the third person; e.g. "The interpreter requests . . ." The interpreter must also include the LEP individual by interpreting the entire discussion.

An interpreter should not independently explain the purpose of forms, services, or otherwise act as counselors or advisors. The interpreter may sight translate language on a form for a LEP individual, but may not explain the form or its purpose for the individual.

The interpreter is a conduit for communication and is not an attorney, an anthropologist, a linguist, a counselor, or a psychiatrist. Therefore, the interpreter should refrain from providing services outside the scope of interpreting and translating services. If the interpreter is performing a dual role and is acting as an advocate for the LEP victim, that dual role should be explained to the LEP victim and the interpreter should not accept interpreting assignments for the case in any other setting.

CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. If an interpreter has any reservation about his/her ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the person or entity retaining the interpreter.

Commentary:

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, if the subject matter is likely to exceed the interpreter's skills, or if after starting an assignment, the interpreter believes he/she cannot perform competently for any reason, the interpreter should notify the person or entity retaining the interpreter.

Interpreters should also report any environmental or physical limitation that impedes the ability to deliver interpreting services adequately (e.g., the environment is not quiet enough for the interpreter to hear or be heard by the LEP person, more than one person at a time is speaking, or individuals are speaking too rapidly). Whenever possible, interpreters are encouraged to inquire into the nature and topic of the interpreting assignment before accepting the assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess the interpreter's ability to perform interpreting duties competently.

Interpreters should notify the person or entity that retained him/her of any perceived or actual personal bias relating to any aspect of the assignment. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses, and a person convicted of domestic abuse should not interpret for any party in a domestic violence case.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing interpreting and translating.

Commentary:

Users of interpreting services may ask or expect interpreters to perform duties or engage in activities that violate the provisions of this code or other laws, regulations, or policies governing interpreters. It is incumbent upon the interpreter to inform such persons of an interpreter's professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter engage in prohibited behavior, the interpreter should turn to a supervisor, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training, education, and interaction with colleagues and specialists in related fields.

Commentary:

Interpreters must continually strive to increase their knowledge of the languages they interpret, including past and current trends in technical, vernacular, and regional terminology as well as their application.

Interpreters should keep informed of all statutes, rules of courts and policies that relate to the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops and professional meetings, interaction with colleagues, and reading current literature in the field.

Interpreters providing services to LEP victims of domestic violence are encouraged to engage in training specific to the vocabulary, procedures, and dynamics of such cases.

Additional considerations when language interpreters

are needed for a Limited English Proficiency (LEP)

Protection Order Petitioner or domestic violence victim:

1. For jurisdictions that use volunteer interpreters for LEP protection order petitioners during case processes that take place outside the courtroom (meetings, interviews, intake process, etc.), before beginning any interpreting services, the volunteer should be provided with a copy of these Canons, required to read this document in its entirety, and to sign an oath agreeing to abide by the canons.
2. The intake officer or interviewer requesting the services of an interpreter for processes that take place outside the courtroom should read these canons in their entirety in order to better understand the function of an interpreter and to better utilize the interpreter's expertise.
3. The intake officer or interviewer should ensure that the LEP individual is fully informed about the responsibilities of an interpreter and the role that the interpreter plays.
4. In no case and under no circumstance should a minor, a family member, friend, relative, minister, police officer, or other bilingual individual who has a connection of any kind to the case be allowed to serve as interpreter for an LEP protection order petitioner, and no such individual should be coerced into acting as an interpreter or substituting for an interpreter.

These canons are excerpted from the Model Code of Professional Responsibility for Interpreters in the Judiciary and are modified somewhat to help interpreters better understand their role when interpreting outside of the courtroom in a protection from abuse or sexual assault proceeding. These canons are only applicable outside of the courtroom and judicial proceedings – when interpreting for the judiciary, the interpreter is governed by the Model Code of Professional Responsibility for Interpreters in the Judiciary (or a similar Code that has been adopted by the state in which the interpreter works).