

Language Access: Keeping Systems Accountable During Emergencies

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Casa de Esperanza

Started from a small group of Latina activists in St. Paul, Minnesota in 1982. Today Casa de Esperanza houses the Culturally Specific Institute on Domestic Violence in Latin@ Communities, the National Latin@ Network for Healthy Families & Communities (NLN)



Casa de Esperanza Mission

- **Mission**—Mobilize Latin@ communities to end domestic violence
- **Core values:**
 - Latina leadership
 - Entrepreneurship
 - Organizational excellence
 - Living free of violence
 - Community-driven solutions
- We recognize that it is the community that will end domestic violence, not any system or organization.
- We emphasize developing social capital (i.e. trust, reciprocity, information and cooperation) because we believe it decreases domestic violence.

Objectives

Articulate

- Articulate why language access matters, and how it is connected to victim equity, civil rights compliance, and trauma-informed services

Discuss

- Discuss the importance of language access for carrying out and fulfilling your organizational missions

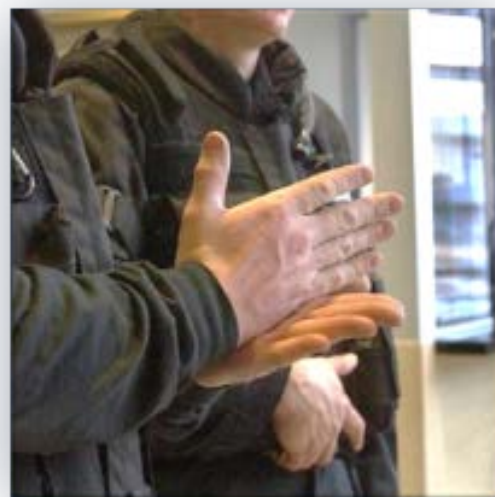
Understand

- Understand the strategies to challenge systems when they are not providing language access to survivor

What is Language Access?

Language access consists of ensuring that persons who:

- have limited or no English language proficiency, or
- are Deaf or Hard of Hearing
- ...are able to access information, programs and services at a level equal to English-proficient, hearing individuals



Definitions

Limited English Proficiency

(LEP) – the limited ability of individuals who do not speak English as their primary language to:

- read,
- speak,
- write, or
- understand English



Definitions

Deaf – A capital Deaf denotes a **cultural distinction** that defines a group of people who are deaf and identify themselves as members of a linguistic and cultural group.

This Deaf identity is akin to other **ethnic groups**, such as Hispanic, African American, or Pacific Islander.



Other Deaf and Hard of Hearing Considerations

- 'deaf' might refer to a physical condition/disability for some
- Deaf and hard of hearing often understood as a disability issue but is also a language access issue.
- Who is Hard of Hearing:
 - Early hearing loss
 - Progressive hearing loss
 - Late deafened
 - Age related
 - HLAA – great resource - <https://www.hearingloss.org/>

The Cost of Not Providing Language Access

- Legal proceedings are delayed.
- Testimonies are misunderstood or misrepresented.
- Survivors do not receive key information (court dates/times, rights & responsibilities, jail release notifications, etc.)
- Survivors become less involved in court/civil proceedings.
- Relief/remedies are often not explored.

The Cost of Not Having Language Access

- Unsafe custody/visitation determinations.
- Charges against English speaking perpetrators are dropped.
- Survivors wrongly charged or convicted of domestic violence.
- Safety protocols not followed.
- Advocates or family members serve as interpreters.

The Cost of Not Having Language Access



"Is this a quandary?"

Why do we have to provide
language access to survivors
of crimes?

Equal Language Access (3)

1. It's the right thing to do.

- Organizations dedicated to supporting individuals who are victims of crime work toward ensuring safety, healing and justice for those harmed by violence.
- Investing in being proactive can ensure that all individuals with limited English proficiency or those that are Deaf/Hard of hearing can have equal, meaningful, and effective access to critical services.

Equal Language Access (2)

2. Language access improves services and enhances outcomes.

- Research shows that domestic violence survivors with limited English proficiency were more likely to seek out services if those services were provided in their language.
- Research in the domestic violence and sexual assault fields shows that survivors appreciate and feel more supported when language access services are provided.

Equal Language Access

1. It's a legal requirement:

Any organization that receives federal financial assistance—either directly or indirectly—is required to comply with Title VI of the Civil Right Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) to provide meaningful language access.

All places of public accommodation and government entities must comply with the Americans with Disabilities Act (ADA) and provide effective communication.

Be Proactive and Not Reactive; provide equal access

Compliance

What do we mean by
compliance?

Language of Title VI

“No person in the United States shall, on the ground of race, color, or national origin, be...subjected to discrimination under any program or activity receiving Federal financial assistance.”



Requirements for Recipients of Federal Funds

If an organization receives **any** federal funds, then **all aspects** of that organization are obligated to take **reasonable steps** to ensure that individuals with LEP have meaningful access to the **benefits and services** provided by that organization.



Americans with Disabilities Act, 1990

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

Americans With Disabilities Act of 1990. Public Law 101-336. 108th Congress, 2nd session (July 26, 1990).

Requirements for Places of Public Accommodation

Regardless of funding source, the ADA requires:



Organizations that are places of **public accommodation** ensure that communication with people who are Deaf or hard of hearing is **equally effective** as communication with people without disabilities

Effective Communication

ADA requires that:

Title II and III entities (state and local governments, businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities, such as being Deaf and Deaf/Blind.

Goal = Ensure that communication with people with these disabilities is **equally effective as** communication with people without disabilities.

Language Access Standards

1

Meaningful access

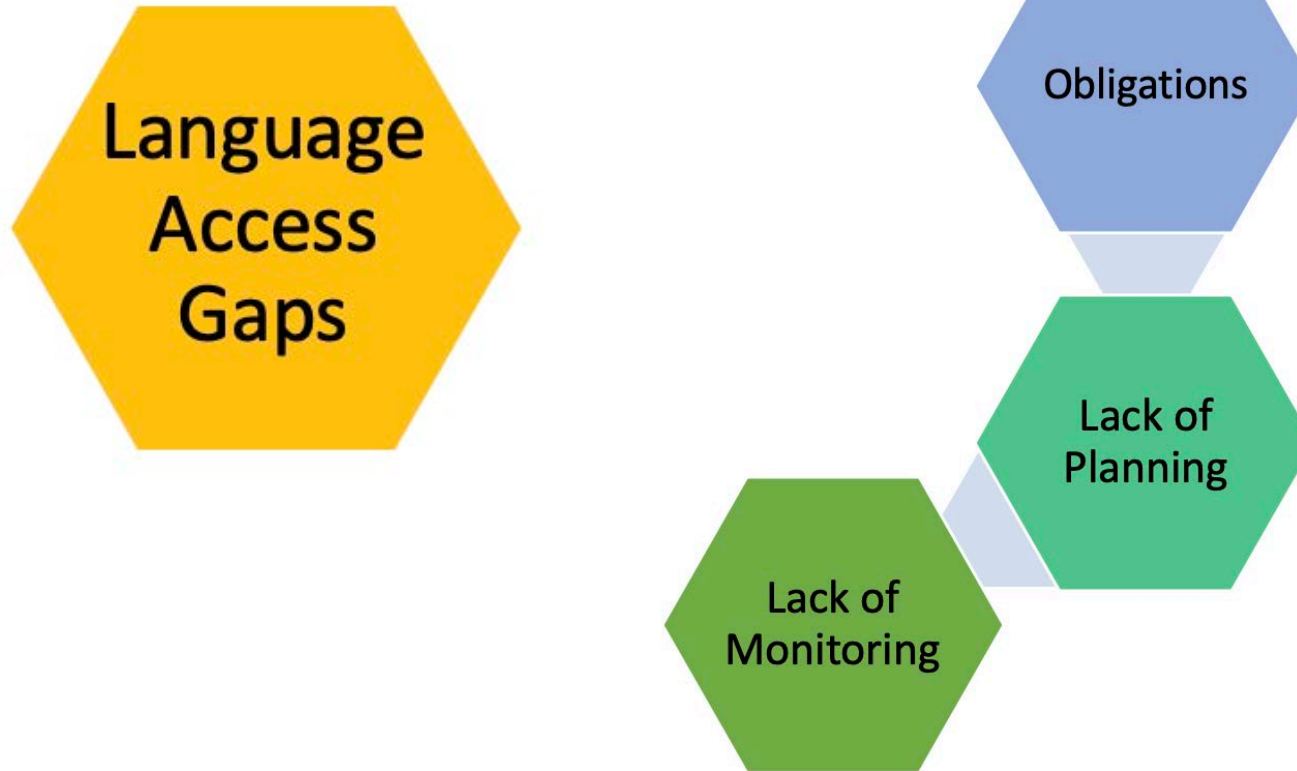
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Effective communication

Language Access during COVID- 19/Emergencies

What do we do when an emergency strikes?

Language Access Gaps



Language Access Gaps: Obligations



- What can we do to better understand our obligations?
 - Learn more about legal obligations
 - Learn more about ethical obligations
 - Educate others
 - Do Systems Advocacy

Language Access Gaps: Lack of Planning



- What can we do?
 - Learn how to put together a language access plan
 - Know your demographics
 - Create organization wide language access protocols
 - Commit to language access provision – Living document

Language Access Gaps: Lack of Monitoring



- What can we do?
 - Monitoring plan
 - Changes in demographics
 - Big events – emergency preparedness
 - Anticipate needs

Language Access Systems Advocacy

Language Access Systems Advocacy: How do we change the bigger picture?



What is Systems Advocacy?

Systems Advocacy is an effort to change policies, rules or laws which determine how services are provided



Language Access Systems Advocacy (1 of 6)

Who is complying with current laws and regulations (the floor)

How can we ensure that those who:

- have **limited or no English** language proficiency, or
- are **Deaf or Hard of Hearing**

...are able to access information, programs and services
at **a level equal to** English-proficient, hearing individuals
(the ceiling)

Language Access Systems Advocacy (2 of 6)

How does it happen?

- Individual vs system
- Long term nature of systems advocacy
- Identifying decision makers
 - Gaining access
- The diplomatic route
- The coalition building route
 - Find allies

Language Access Systems Advocacy (3 of 6)

How does it happen?

- Identifying the issue
 - Not using interpreters?
 - No language access plan?
- Know the laws and regulations
- Document, document, document!
- Be kind but assertive
- Educate not only about legal obligations, but also about **IMPACT.**

Impact of Language Access

Share a story from your program/organization that highlights how important language access is for people accessing the court system or law enforcement assistance.

- This could be a challenge story (what happens when there was no language access).
- This could also be a success story (what happens when adequate language access is provided).
- Keep in mind confidentiality when sharing participant stories.

Language acquisition takes time

“[I am a] citizen in this country now, but still have problems with the language and not understanding the legal words in English. I feel now that I understand the law better, but need help with the words...”



Realidades Latinas: A National Survey on the Impact of Immigration and Language Access on Latina Survivors. The National Latin@ Network for Healthy Families and Communities and National Domestic Violence Hotline February 2014

Language Access Systems Advocacy (4 of 6)

What to do when diplomatic routes do not work:

- Filing an OCR (Office of Civil Rights) Violation
 - Under [Health and Human Services](#)
 - Under [US Department of Education](#)
 - Under [US Department of Justice](#)
- Filing an ADA Complaint
 - Under [US Department of Justice](#)

Language Access Systems Advocacy (5 of 6)

- File a lawsuit
 - Example: Yanahit Padilla Torres, et al v. The City of New York, et al.
 - Check Blog Talk [“Language Access Accountability: Experiences from a New York Community”](#) - Cecilia Gaston and Paula Gomez-Stordy.

Language Access Systems Advocacy (6 of 6)

Considerations:

- Survivor/s autonomy
- Confidentiality issues
- Repercussions and unintended consequences
- Transparency
- “It’s not about you”

Advocacy Tips

Are you presently:

- Providing know your rights information
- Clarifying myths and misinformation
- Conducting or attending trainings to expand your knowledge
- Accompanying survivors/participants to services
- Working with community partners and other systems to ensure a coordinated community response to support survivors with LEP

Resources

- National Resource Center for Reaching Victims
(<http://reachingvictims.org/>)
- Casa de Esperanza – National Latin@ Network
(<https://www.nationallatinonetwork.org/>)
- Asian Pacific Institute on Gender-Based Violence
(<https://www.api-gbv.org/culturally-specific-advocacy/language-access/>)

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