

Language Access: Keeping Systems Accountable During Emergencies

LEO MARTINEZ: Good afternoon or good morning whenever you are, wherever you are. We are providing you with an opportunity where hear some information about a different topic on language access today, and which is systems advocacy. So the information that we're going to provide is directed at being able to hold systems accountable, especially like in the light of COVID-19. And it could be any other emergency.

How do we keep those systems accountable? How do we go about making sure that services for those who are limited English proficient or for those who are deaf or hard of hearing don't stop? That we still have those things in place. So I'm going to share a few things today about that, and some information that is definitely necessary to know to be able to do that.

So my name is Leo Martinez, and I'm a project manager with Casa Esperanza and National Latin@ Network. Within the organization, I do a lot of work around training and technical assistance on topics such as language access or cultural responsiveness, working with Latino families and-- that are going through domestic violence or sexual violence or human trafficking and a plethora of other topics.

So let's start with a little bit of information about our organization. We are a national technical assistance provider. We are considered the national resource center on domestic violence in the Latino community, that is under one of our grants, which is the FVPSA and HHS. FVPSA for the Family Violence Prevention Services Act. HHS for Health and Human Services Department.

We started as a small organization back in 1982 in St. Paul Minnesota. And today, we are, as I mentioned, a national organization doing work around the country in different things, such as training and technical assistance, research, policy and providing the capacity building for those who are doing the work across the country in different parts of the country, whether it is with Latinos, whether it's with immigrants and any other underserved communities who are at the intersections.

So our mission is to mobilize Latino communities to end domestic violence. However over the years, we have expanded that mission a little bit to other forms of gender-based violence and compounded violence that sometimes the clients that we work with are the-- are the target of. So you can read here a little bit about our core values. And, definitely, we are a community-driven type of organization. We believe in the expertise of community.

We believe that we're not the ones that are going to end domestic violence, but it's actually folks in the community the

ones that are going to be able to do it. We're just here to facilitate change and provide tools to those out there who can make those changes happen. And for today, the objectives are these three.

And the first one is sort of like a little bit of a review about why language access is important, why it matters, why it makes a difference when we're talking about victim equity, about compliance with civil rights and why also is a trauma-informed to be able to provide language access.

And sometimes, you know, this is a lot of trendy or buzzwords, and a lot of people throw out trauma-informed, oh, we're being trauma-informed, but sometimes they don't include cultural responsiveness, which is one form of being trauma-informed. We'll discuss the importance of language access so you are able to fulfill your missions.

I'm sure that if there's anything that we can agree on for anybody that is looking-- watching this webinar is that for all the victims or survivors that we're working with, we want them to have access to safety, access to justice, and access to healing. And if we don't provide language access, none of those three could happen. It would be really hard for them to achieve any of that.

So starting from that point we can understand that we have a lot more in common, and that this presentation might help you to maybe achieve that and also understanding the strategies to challenge systems when they're not providing language access. What can we do when somebody is not providing language access? Who is-- what is obligated or has the obligation, the legal obligation or an ethical obligation to provide language access?

So first, we got to sort of define what language access is. Some of the materials here in this presentation are actually from the curriculum of Translating Justice that a-- that ourselves along with the Bureau Institute of Justice and many other partners who we have been working together within the National Resource Center for Reaching Victims we developed that a few years back. And it lives in the website of the National Resource Center, so you can reach-- and reachingvictims.org and you'll find information about the Translating Justice curriculum.

So some slides are from that-- from presentations from that curriculum. And when we're talking about language access, we're meaning the process in which we are being able to provide equal access for those who have limited English proficiency or no proficiency or for those who are hard of hearing. And the idea is that we are able to provide access to information, access to programs and services at a level that is equal to those who are English proficient and to those who are hearing individuals.

So limited English proficiency is the ability of individuals who do not speak English as their primary language to be able to read, speak, write or understand English. And when it comes to the deaf community, we-- we have to understand that, for example, capital D Deaf means a cultural group, a cultural distinction. And a lot of folks in the deaf community identify themselves as a cultural group and, you know, just akin to like an ethnic group. Just like calling some group of Hispanics or African-Americans or Pacific Islanders.

In this case, it may not be ethnicity, but they identify as a-- as a cultural group with a specific dynamic, specific interactions and identities. And there are some folks that may not identify with this, with the being deaf as a culture or as a cultural group, which might-- you might see as a small d deaf. And that might refer to folks who they may feel they have a physical condition or a disability.

Sometimes folks who are hard of hearing may, you know, a-- you know, they have-- you know, they are deaf, but they might have-- they might be a late-deafened or it's age-related. They might refer to that with the small d, and they consider themselves as a person living with a disability.

We also have to think to account that even though for folks who are deaf and hard of hearing that we are protected under the ADA, the Americans with Disabilities Act, so legally, it is a

disability, but for us, we consider it to be a language access issue because we have to be able to provide or facilitate effective communication.

So something else about those who are hard of hearing, you might find the-- I am hard of hearing myself. In the last couple of years, I have found that I have a-- my hearing loss, and I wear hearing aids. For myself, it was just the question of doing some reckless activities when I was young, such as listening music to very hard-- very high volume. Like I used to be in a rock band, so that was not very good for my-- for my hearing.

And later now in my late 40s, I'm having this-- this issue with my-- with my hearing loss. For other ones, it may have been progressive throughout their lives. Others might be later in life are losing their hearing ability, sometimes completely, sometimes it's just one side or it's just the other. And for the majority of those who are hard of hearing is age-related. As we age, the majority of us will have some-- some loss of hearing.

From the point of view of consumer, of being a consumer, you can check a lot of great information in the website for the Hearing Loss Association of America, which is-- the website is hearingloss.org. I'm a steering committee member of the Jacksonville Chapter. So I work with some of the folks who are wonderful that have been doing this type of work for many years. So I've been learning.

The last couple years being just the self-advocate and trying to find resources for myself, I ran into this wonderful organization that can provide resources. And they have chapters all around-- all across the country. So whether it is that we're working with LEP, Limited English Proficient individuals or deaf and hard of hearing, there is a cost of not providing language access. And that's why we're mentioning system advocacy and emergencies and what you see here. But there is ways in which we can be proactive.

And we're going to get to that in just a moment. But when we do not provide language access, negative things happens to survivors and the client that we're working with. For example, legal proceedings are delayed. Testimonies may be misunderstood or misrepresented. Survivors do not receive key information.

I worked a couple of years ago with a-- with a-- actually he was a gay male survivor of domestic violence and sexual violence. And his partner was very abusive with him and eventually threw him off the balcony of his apartment. Luckily, he-- it was the first floor and fell-- he fell on top of some bushes. So his injuries were not as-- as, you know, they were not as bad as one would imagine if you fall from a-- from a first floor of a building.

Eventually, he started working with an advocate with the court and the Victim Witness Services Program, but he kept receiving

all of the information about the hearings all in English. And when I started working with him that he got hold of us, we realized that all the information that he kept receiving-- and I-- and I asked him, I said, did anybody ever talk to you in your language in Spanish?

Because I believe he knew a little bit of English, but for the most part, he did not understand a-- what do you say? A majority of what was being told him-- being told to him in English. And he said, no, I keep telling him that I speak Spanish. And I even spoke with a bilingual advocate from the court. But they keep sending me all of this in English, and I don't know what to do. I don't know what it means.

So he missed some of the hearings if he wanted to be part of that. And then at some point, they sent him instructions to write his big victim impact statement also in English. So at that moment, we got involved. And we contacted the court and said, hey, I think we-- there's something that we need to do differently here. And it is you already had information that his first-- that his first language is Spanish. How come you did not have this information or translated, you know, this document translated so he could have-- what do you say? The right information.

So there are many instances like that. And I'm sure that with clients that you've worked that you would that that has happened. So we need to start making that-- those kind of

situations stop. Survivors may become less involved in court civil-
- court or civil proceedings. People do not come forward and
report crime when they don't feel that they are going to receive
services, the same quality services that others who are, you
know, English proficient or who are hearing-- hearing individuals.

So we have to make sure that we increase the quality of our
services in regards to language access so more people can come
forward and can have access to safety, justice, and healing.
Sometimes relief or remedies are not explored. Unsafe custody or
visitation determinations may happen. Maybe the wrong person
that should not be receiving the children ends-- ends up with the
children, and that may cause harm, actually, to the children.

Charges against English-speaking perpetrators sometimes are
dropped because in situations which may-- may be law
enforcement may be involved and they come to in a scene and
the perpetrator speaks English and the-- and the survivor
doesn't, or the-- or the perpetrator is the hearing person and the
survivor is therefore hard of hearing person, then there's an
imbalance of power there.

And we need to make sure that that's been looked at and
changed protocols and policies, so we are able to always
understand the story from both sides and make the proper-- the
proper interventions. In this case, it may be an arrest. And that's
for domestic violence but for many other crimes also applies.

Survivors may be wrongly charged or convicted. You know, sometimes safety protocols may not be followed, and advocates or family members may be serving as interpreters. And I usually like to ask you about this one. Why is this a bad thing? But I'll answer this for you all. And it is family members or neighbors or some bystanders may have a bias, and they will-- may not want-- let's say I'm the nephew of a-- and my uncle is-- has been abusing my aunt.

But, yes, I don't want my aunt to suffer, but I do not want my uncle to go to jail. So I may not interpret all that information, and that, you know, that would be going detriment of the survivor, which, in this case, would be-- in this example would be my aunt. So, yes. So bystanders may have a bias. And it's even worse when they are using the perpetrator or they are the one that committed abuse or you definitely are using children, which is absolutely something that we should not do.

I mentioned some of these consequences of not providing language access. This is Daisy Garcia and her daughters. Daisy Garcia lost her life. She lived in Brooklyn, New York and contacted the NYPD, the New York Police Department a few times to report abuse at the hands of her partner. And nothing happened. They just gave her a form for her to fill, and she did it. She filled it up in Spanish.

It never was translated. None of the four statements that she made were translated. So nobody ever followed up with her. And, eventually, her partner killed her and her two daughters. So we can see that sometimes it could be a matter of life and death. So why do we have to provide language access to survivors of crime? And I'm here quoting one of my favorite characters right now on TV.

If you know a show called Schitt's Creek, and there's a character called Moira Rose who looks for some words and sometimes a little bit more advanced words. And she says is this a quandary? Thinking, you know, is it so difficult to figure this out that we're so perplexed? Can we decide, or what do we do? Do we provide language access to survivors of crime? And my answer is absolutely. We have to.

And there are several reasons why we have to do that. The first one-- and I think it should be on everybody's mind is that because it's the right thing to do. We're advocates. We are working with a mission, which is that to stop, you know, to stop crime from happening or to provide services to those who are victims of crimes and-- and facilitate access, like I mentioned before, to safety, justice, and healing.

So if you are in an organization dedicated to support individuals who are victims of crime, you will try to make sure that they are-- they have access to that. So language access is very important.

And we have to be proactive. We have to have measures in place to be able to make sure that those who are LEP or who are deaf and hard of hearing can have that equal, meaningful, and effective access to critical services. Second reason why it's very important that we provide language access, and it is that it does improve services and enhances outcomes.

Casa Esperanza, the organization that I work with, we did some research a few years back along with the-- The National Domestic Violence Hotline, and we found that for the respondents to that research, they mentioned that they were more likely to seek out services if those services were provided in their language. And also additional research in the domestic violence and sexual assault field shows that survivors appreciate it and feel more supported when language access services were provided.

So it does make a difference. And the outcomes sometimes are better. I have heard many countless stories that have happened in courts around the county-- around the country that I've heard from other advocates and saying, yes, the interpreter maybe made a mistake and, you know, and changed one word. And all of a sudden, that meant something totally different, and the person did not get an order of protection or did not get custody of her children.

So it does make a difference when we provide language access and when we provide quality language access, which in courts, it

has to be a certified interpreter or a certified ASL interpreter. And the last-- the last reason why we also have to provide language access. And this one is the most compelling if you don't believe in the other two, is that because it's a legal requirement. You have to.

If you are a recipient of federal financial assistance, you are to provide language access to those who are LEP, Limited English Proficient because the law, the Title IV of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 talk about providing meaningful language access. This works also with other laws and regulations that came after this.

And when it comes to the deaf and hard of hearing community, the requirement is because in places of public accommodation and government entities, they have to provide with language access to-- for effective communication. And that is covered by the Americans with Disabilities Act.

So it is the law. So we would have to follow what the law and the regulation says. That's why we talk about compliance. And what do we mean by compliance? It's making sure that we know what those laws and regulations say and that we follow and that we put protocols and policies in place that follow these laws and regulations.

The information on the text of the language of the title IV of the Civil Rights Act of 1964 said that 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.

So anybody who receives even just \$1 or is in contact or have maybe an MOU, a Memorandum of Understanding with another organization that receives federal funding, we all might be able to get it to provide language access. And we need to take reasonable steps to be able to do that. And this is when it comes to LEP or Limited English Proficient individuals so they can receive the same benefits and services. So there is a requirement for them, you know, if they receive funding for those who are limited English proficient.

Now, when it comes to those who are deaf and hard of hearing, it does not matter if someone receives funding or not because the legal standard is different. In this case, the legal standard is about effective communication. And information on the Americans with Disabilities Act and the 504 section of the Rehabilitation Act mention information about public accommodations.

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

entity. So, like I mentioned, the money does not matter. If you don't get any funding, you still-- if you are a public-- a place of public accommodation, you have to provide services to those who are deaf and hard of hearing. So effective communication happens.

And that's both ways because if someone comes to us who is deaf, yes we need-- they need an interpreter so we can understand about-- we need the interpreter as well to understand them, to be able to do our job. So it is both ways. So it's not something that-- a burden because, oh, this person's coming, and we have now to do this. We just need it for ourselves as well.

So here there's information about effective communication and what Title II and Title III entities, you know, what all entails. And the goal is to ensure that communication with people with disability is equally effective as communication with people without disabilities. So here is the two different standards.

I'm making sure that we know that for limited English proficient individuals, the standard is meaningful access. And for those who are deaf and hard of hearing, the legal standard's effective communication. Even though we wanted to make sure that everybody receives equal access to services by the mean of providing language access, unfortunately, one of these legal standards is stronger than the other.

Effective communication is a stronger standard. So we want to make sure that if there is a situation in which somebody is not receiving language access and we said that person that we make sure that we educate those out there, or we are doing system advocacy, letting them know that it is an issue of effective communication, not one of meaningful access because that's for those who are LEP.

And now I want to refer to COVID-19, which I'm pretty sure that by now, you have received a lot of information. And I will not go into in depth about the particularities of what happened with COVID-19 in the-- this year. It was a pandemic. It's an emergency as it would be maybe an earthquake or a tornado or something that happened in a community that makes us maybe shape the way we provide services and makes us change the way we provide services.

So for any emergency, we have to make sure that we looked at the way that we we're doing our work before those emergencies happened. So, for example, we knew before COVID-19 that there were language access gaps. And where-- where were those language access gaps? Some were on obligations. Some people did not know that they had obligations to provide language access, which led to not planning for any language access. Some people didn't have a language access plan in place.

And part of having a language access plan in place is also being able to monitor what we are set out to do when we have a language access plan. And that didn't happen as well. So we know that obligations lead to lack of planning, lead to lack of monitoring. So when an emergency happens, we are just running like a chicken with a head cut off because we do not know who are we going to call? Where do we get these resources from?

Instead, we had a language access plan in place, and we had our resources, our list of resources. It might take us maybe a couple of days to find those resources and put those that need them in touch with those. So what are the-- under the obligations, the gaps in obligations? What can we do about that? So one of those things is learn more about our legal obligations.

Sometimes it's not just the legal part. Sometimes it's ethical obligations. Some of you listening or watching this-- this particular webinar, you are a social worker or a psychologist. And you do have ethical obligations under your profession. So for some of us, it's an ethical obligation. For some of us, it's also both, an ethical and a legal obligation. So maybe you can do some educating.

Many people I have run into in the past that I've done work with that did not know that they needed to provide language access, for the most part, they need not-- they did not know. So my work was just to educate them and let them know, hey, did you know

that you were supposed to provide this and this? And here there are some resources. And if you need a training, I might be able to help you with that. And there is no cost to that. So I'm not trying to sell you anything.

So sometimes that's were some of the interactions I have had in the past. So it's important that we do systems advocacy. And I'm going to talk more in detail about that in just a few minutes. So what do we do about lack of planning? So we got to learn how to put together a language access plan. If we do not have one in place, we should have one in place now and try to find information out there on how to put one together.

Learn about your demographics. You know your town, or city, or county, or jurisdiction better than anybody else. So make sure that you do some research and find out what languages are being spoken in your community? Who is deaf and hard of hearing, and how many of those folks are in your county or your city? And who is providing services to them now? Have we ever received a request from people from those communities?

If we have not, is there any reasons why we haven't? And do some self-reflection about if we maybe have been providing substandard services, or we did not do outreach to let people know that we were providing services in language. So there's a lot that you can do along with the language access plan. And you can create a lot of language access protocol so everybody in your

organization know how to react when somebody requests language access.

And the idea-- and I'm sort of going back just for a second-- and the idea is that the language access plan is a living document. If you're going to put together a plan just for it to live in a drawer, don't-- don't even waste your time because that doesn't help anybody. The idea to have a language access plan is that you are very aware of everything that is in there.

That you're aware of all the policies and protocols. That you put them in place. That everybody in your organization knows them. That you train everybody in your organization. That when a new person comes is hired and receive onboarding, that language access is part of their onboarding. So that's the way that you make it a living document, is that you always follow. And that you're always making changes to it, and that you monitor it. That if things have changed, that you record that and that you make changes.

Whether it is every so often. Usually, every year, at least once a year, you should do a comprehensive revision to your language access plan. So that's why, you know, we were talking about monitoring. And monitoring your language access plan means making sure that if there's any changes, if there is any emergencies, that we anticipate those. That we gather information constantly.

One way of knowing if there's changes in demographics is through intake information. You probably-- what do you say? Gather a lot of information when you're doing intakes with your-- with your clients. Make sure that you have, you know, language in there. Is English your primary language? They'd say, no. Then what language do you-- do you speak at home? And, you know, and use that data to make changes.

Be aware of significant changes in demographics that may happen because of a natural disaster. I can think, for example, a couple years back about folks from like Haiti or in the Puerto Rico that moved to the United States because there was an earthquake, there was a hurricane, and they resettle in cities in America.

And those cities got an influx of people that spoke another language. So now, all of a sudden, maybe you have to be providing more services in Spanish or more service in-- in French creole. And also a few years back, there was a big crisis, which is still going on in Syria. And a lot of Syrians were resettled in some cities here in America as refugees.

And that created an influx of people that maybe spoke Arabic in some communities or other languages that Syrians speak. So if something like that happens, you should be prepared. You should have conversations with a language access agency that provide good services, and you know if they provide those services. If

not, always ask, do you provide-- what are the languages that you are able to cover?

So well, if you don't cover these other languages, I will have another contract with another-- a backup contract with another agency that may provide services in those other languages. And the same goes for ASL, making sure that you do have a contract in place with those who provide-- who are ASL interpreters and those certified deaf interpreters and-- what do you say? Anybody who can help with situations that might come up, like some-- a situation in which you might need to do some relay interpreting.

Like, for example, some may request telephone line, and you might need a team of people. So if you have an ad hoc plan, you're not going to be able to answer to those needs right away. You'll take a long time to be able to provide services. And we cannot afford that sometimes. The survivors that we've worked with can't afford, sometimes, to wait that long.

And in the case of like COVID-19 or big emergencies, big events, we have to have some emergency preparedness written into our language access plan. So you need to anticipate needs. Make sure that you have funding for those needs, for those emergency needs. If there is anything that-- new materials that need to be translated.

For example, I was doing some language access reviews with some agencies this week. And looking at their language access plans, they didn't have information about-- and all the vital documents that they needed to translate. For example, they made changes. They created some documents about COVID-19 procedures for their agency, and they were not translated. So that, for example, became a vital document that needed to be translated. So that's what you need to make sure that you have in your language access plan.

So all of this information, you know, about the legal obligations, the ethical obligations, being prepared by having a language access plan not always happen. And we have to make sure that those who do not follow these procedures are educated about those procedures, and that we are able to change the bigger picture.

So what is systems advocacy? It's an effort to change policies, rules or laws which determine how services are provided. And sometimes, this is a-- is a long process, a tedious process. Sometimes people feel like, well, I'm just the-- you know, just an advocate. What can I do about this? And, yes, there is things you can do. There is things that your organization can do. Talk to your leadership to make sure that you are able to do some of these activities to be able to provide system advocacy.

And the idea of doing this is for a very important reason. We mentioned, already, about how we're supposed to provide services to those who are LEP or for those who are deaf and hard of hearing. But if we only follow the law, the minimum requirements of the law, that's what we call the floor.

We are really just scrap-- scratching the surface. But we have to strive for the ceiling. We have to strive to be able to provide-- you know, to use best practices so everybody can have access to the same services that those who are hearing individuals or those who are limited English proficient are receiving.

So in that-- what do you say? In that example that I gave you earlier about that gay survivor that I worked with, he was not given written communications in his language. So that wasn't even the floor. So we're talking about going beyond that. And how does this system advocacy happen? Sometimes it's maybe you're working with an individual, and that triggers the idea that things need to change.

Sometimes it's because you're working with systems and you realize that, you know, protocols and policies that they have are not working, and maybe you have some influence into that and you can do some of that. I'll give you an example about how, from an individual experience, you can do some-- some system advocacy.

I worked, a few years back, with a-- with a woman in a program that I was working with back then. She had a child who was diagnosed with ADHD and oppositional defiant disorder. And he was at school. He was misbehaving but, you know, it's understandable to a certain degree because he had a diagnosis. And the resource officer told him that if he would not behave, that he was going to be deported. That he was going to get him deported.

Of course, he went home and told that to his mom. And the mom immediately went to the school and started requesting information about what had happened. And she was receiving some information, but it was through the parent liaison, who was not a certified interpreter. So she was getting sort of like all this half information about what was happening, what happened, and nothing seems to be done about the incident. And she wanted something done.

So she brought it up to us. And when I started working with her, we realized-- we met with the school and we made-- we did schedule a meeting. And during that meeting, I noticed that the person that was interpreting, which I thought was an interpreter was the parent liaison. And she was leaving a lot of information out.

So then I stopped the meeting and said, oh, whoa-whoa. I don't think that here, you know, this person that I was with is

understanding everything. You are not able to provide all the information. So we need to make sure that we have a certified interpreter in this situation. So we cancel that and we reschedule for another time, a week later until they were able to provide an interpreter.

In that case, she got all the information. She was able to express her concerns. We made the demands that she wanted to make, which, in this case, is that she wanted to somehow this person be reprimanded and that also that all the resource officers would receive training. And we asked for the-- you know, we wanted to know what kind of training they we're going to receive.

And the school really was still not wanting to bulge in some of those demand. And we also talked with the police system that worked within those schools and houses. They didn't want to give us more details about what kind of training they were going to receive. So we went all the way up to the superintendent.

And at that point, not getting the answers that we wanted, we were about to file an OCR violation, which is an Office of Civil Rights violation. And we got all that information ready. And at that point, the survivor she said, well, you know what? We have gotten a lot done. And I don't think that I want to move forward with this, which myself internally I was like, no, let's keep going. Let's do this.

But that's the thing. It's not about us. It's about the survivor. It's about the victim. And we have to respect survivor autonomy. And in the moment that she told me that that was the stop, that's where we stopped. Years later, I actually saw her again, and she says, you know what? You know, I'm glad that we never followed through on that. And, you know, every time, since we had all those interactions, every time that I go to school, they immediately provide anything that I request.

They understand that if I'm requesting something that they are going to do it because it's my right, and I understand my rights, and I can defend myself, and I can do it by myself. And that's what we're supposed to do. We're not supposed to hold people's hands. We're supposed to give them the tools so they can be a-- what do you say? Empower themselves and do this for themselves. So that was a great outcome, even though at the time, I didn't understand.

So that out of one case-- what do you say? We started doing a lot of system advocacy to make sure that there was changes. At the system level, I'll give you another example. There was a county in Georgia, so where I worked for many years. And we were working with a judge. And she was a wonderful judge here of a domestic violence court.

And she wanted to make sure that, for example, Latinas that lived in the county would feel free to come forward and report if

they were suffering any kind of a domestic violence. And she was seeing that even though the demographics were higher, she was not getting any cases. So very few cases where a Latina was involved.

So we worked together to put together some lunch and learns and invited a lot of the women and women in the community and brought an interpreter that he would interpret for the judge, so she would be able to provide information herself and let them know, herself, that they would, you know, that it was safe for them to come to her court. That was a really good thing.

But while we-- when we were doing that, in the same one of those meetings, one of those lunch and learns, we started hearing, for example, the women telling us that the local CPS, Child Protective Services agency, who also is the-- manage the wealth for benefits in that county, were telling some of these moms when they were going to their office, if you don't speak English, please go back-- go back and get yourself your own interpreter. Come back with your own interpreter.

And I kept hearing this the same story from all these women. So then what we did, we started doing some system advocacy. Started contacting the CPS office and start making sure that they were educated about what their obligations were, about what they needed to do, what they needed to change. And change eventually happened.

Did it happen overnight? No. It took us a little while, but we were able to make some changes. And they were starting to provide services in language. So that from a system perspective also, we were able to make changes. So try to determine sometimes if you are working with folks, just-- and you hear these cases, document those because you might be able to use that information to do some system advocacy.

And we have to be aware that this is a long-term process. Sometimes it takes a long while to make changes to systems. Some systems more than others. And when I refer to systems, I mean sometimes the courts, the criminal justice systems in general, law enforcement, school systems, hospital systems. They tend to, sometimes, you know, because of bureaucracy and protocols that they have had in place for a long time, for long, long periods of time, they are afraid to make changes because they think that, oh, everything is working.

But if you are not making it work for those who are limited English proficient or those who are deaf and hard of hearing, then you are not making it work. You are leaving people out. So you have to be able to identify decision makers when you are doing system advocacy. Gaining access sometimes is a little hard, especially if you are just like the frontline advocate.

Myself, over the years, having build relationships with a lot of people in Georgia, I was able to pick up the phone or send an

email to someone and be able to make changes much faster. But if you didn't have those relationships built, then you might want to start building those relationships. And that's what I mean when I talk about the diplomatic route. It's do a lot of work building those relationships.

Make sure that they know you. Make sure that the-- that the work that you're doing and that you are able to see that sometimes injustices are happening, and that you're going to take notice of those, and that you're going to inform them of those. And, you know, and-- and offer solutions too. You know, if you're able to provide some of that training yourself, then maybe you offer that.

Say, hey, I know that, you know, the folks that are working with your agency don't know everything there is to know about providing language access. Let me give you some information. Maybe we can set up a training, or find other folks like technical assistance providers like ourselves, and we might be able to help you along-- along the way with things like that, with requests like that.

And sometimes, the diplomatic route can mean to use a coalition building route. You might be part of a coordinated community response taskforce in your county, in your city. Find allies. Find those other folks in your coalition, in your task force, that will support being an ally to provide a language access to make sure

that language access is being taken, being considered in all aspects of victim service providing. So that's another way of doing it.

So in reality, how that's happen is it happens to start the process by identifying an issue. You know, what's the issue that is going on? Courts are not providing interpreters, or an agency is not providing ASL interpreters. Or, you know, a government agency did not have a language access plan.

You know, a few years back, I lived in-- outside of Atlanta in a city called East Point. And they sent information about a water main break that-- that it was affecting the whole city. So they, of course, they inform about a water boil advisory. But that was only sent in English. And the city had about 15% to 17% Latino and Latino Spanish-speaking community.

And at that point, I figured out, oh, I didn't see any information in any other social media about-- what do you say? This particular event or emergency in Spanish or any other language for that matter. So I contacted them and I asked, hey, what happened with this? Are you able to provide this information in other languages? Do you have a language access plan? And the attorney of the city said, no, we don't. What can we do about that?

So then I started working with them to be able to provide some information so there where it would maybe put together language access plan because, in that case, people could have gotten sick for not following the water boil advisory. And that's something that even outside of the field of victim services, you know, we can see that communities are getting affected by the lack of language access.

Right now, for example, with COVID-19, if-- you know, I've seen all around the city here in Atlanta-- in Jacksonville, Florida, that there was different programs giving food or money to families that were affected. But they were not putting it out in other languages. So those in the city that spoke other languages probably didn't get the information, or depended from folks, activists or advocates in the community to do those translations and putting them out in social media that those communities read about.

And sometimes, it was just too late for some of them to get those benefits. So we have to make sure that everybody gets access, equal access. So once you identify the issue, you need to make sure that you know the laws and regulations. You need to know as much as you can. And I know that sometimes it's hard.

And we've been working in the-- within the National Resource Center for Reaching Victims putting together a phone card, actually, it's more like a postcard with information about legal

information about obligations for agencies. It's going to come out, most likely, during this month of September.

So be on the lookout because that information might be helpful for you. It's something that you might be able to print and maybe put in your purse, bag, pocket. And take it out when you are out and about and doing-- and accompanying people to different agencies. And if somebody is not providing language access, you take out that postcard and say, hey, did you know that the Civil Rights law of 1964 you know, covers this, the obligation that you have to provide language access.

And, you know, sometimes when you are able to give some legal language, people might take you more seriously. So that might be helpful. So know the laws and regulations. And document, document, document. If you're having more than one case in which they are not being provided language access, just document. Take note of everything that happened.

Be, of course, careful about confidentiality issues. Make names anonymous. Don't put as much-- or don't put any identifying information. But make sure-- let's say, you might go to an agency that is not providing and say, hey, in the last three months, we had about 10 cases. And this happened with this person, this happened with this person, and that happened with this person. And I think that it's time that we do something different.

Do you need help with this? We might be able to provide with some help. Do you need to be connected with someone who can help you with this? We might be able to help you connect. So do that. But if you document, you have ways of proving to people that the violations that happened.

Be kind in the way that you approach people. We don't need to be hostile. But also we have said it, educate not only about the legal obligations but also about impact. And impact is very important. Like I mentioned, document those cases telling people about real things that have happened. That resonates with anybody. A story resonates with anybody.

So maybe share a story from your program that highlights, you know, how important language access is for people. Maybe it is a challenge that someone had, you know, where language access was not provided. Maybe it was a success story. So, you know, hey, did you know that, you know, after you put your language access plan-- language access plan in place, we had this individual that went to you, and they raved about how well they were treated and everything that we see from your agency because of what you provided in language, and they were very happy, and they've let us know.

So use those stories as well. And like I mentioned, keep in mind confidentiality when sharing participants stories. And something that I maybe have not mentioned when we started talking about

language access is the idea that we-- anybody who is limited English proficient is going to be on a continuum. I even myself might consider to be limited English proficient to a certain degree because English is not my first language. Spanish is.

Fortunately, I was able to receive education here in the States. So I have that privilege that my English is pretty good, and I'm able to then stand for myself. But still even if I would go through a court, there might be some things that may not be familiar to me. And I can give you an example of a couple of years-- a few years back that we were working with a family. Their child, it was a teenager who was sexually abused by someone who was providing transportation.

The mom was sending her-- her daughter to school in a taxi. And this person abused of this child several times. And, eventually, what do you say? She told the family. She told us, and we were ever to support the mom and the family to be able to talk to law enforcement and get the wheels in motion for the criminal justice system to press charges and do all of that.

And at some point, the defense attorney felt that it was maybe a good idea to subpoena all the records that we had in their case. And the reason was because, oh, this is an immigrant woman and her daughter. She's doing all of this just because she wants to receive a U visa and change her status because she is illegal and

that's what's-- that's all it matters. And that's what she wants to do. And that was not the case at all.

However, in our records, we, after working with her for quite a bit of time, we had supported her opportunity to apply for a U visa and refer her to an agency that was helping her with that. So we were afraid to give those. So we started trying to find those. And so in this process, which I was involved with since my executive director was not-- was out of town at the time, I was able to get representation, legal representation for our agency.

And all of a sudden, we were talking about things that I had never heard-- heard before. Like we had to file a motion-- a motion to quash. I mean, what is a motion to quash? I have no idea. You know, and that isn't worse then the judge was asking for a in camera review. And what is that? Which, you know, actually which is all that was was entailed that the judge would look at records in her chambers, not make them public to those in the process and make decisions based on that.

And she only-- actually after looking all the records, she only what do you say? Decided to give a very little information from our records. So sometimes things happen. And, you know, and even if I consider myself to be pretty good with my English, there will be things that I don't know about that might be beyond my knowledge, beyond that limited English proficiency.

And here in the story of this individual says I'm a citizen in this country now, but I still have problems with the language and not understanding the legal words in English. I feel now that I understand a lot better but need help with the words. So that's really telling. So what happen when we are not going anywhere?

We have tried the diplomatic route, building coalitions, building allies, educating people, and still they are not doing anything. They are not doing any changes. And they're actually sometimes even defying with us. Considering us that we are being hostile while we're not. So there is the opportunity to file an OCR violation, which is an Office of Civil Rights violation or an ADA complaint.

So I have put here information of where are those departments where you can actually find more information on how to file an OCR violation or an ADA complaint. And sometimes, depending on where it happened and what the situation is, it might be a different department. It might be Health and Human Services, might be the Department of Education.

For most of us that work with victims, it might be the US Department of Justice or also the US Department of Justice for those who are deaf and hard of hearing. And if that still doesn't work, and the Department of Justice has the obligation to look into those complaints and to those violations, investigate, and

give you an answer. So they cannot go unnoticed, and they cannot go unanswered.

But even if after that the outcome that you receive is not sufficient, or you just don't want to do that-- go that route, maybe what you are doing might be file a lawsuit. And I'll now talk about an example here, which is the case of Yanahit Padilla Torres, et al versus The City of New York, et al.

And this was brought in by a group of women led by an organization called The Violence Intervention Program, who is a-- which is an organization in Brooklyn, New York. At the time, the organization was being led by Cecilia Gaston. And what do you say? They had several cases in which women had very bad outcomes because of the lack of language access.

And most of it was because the NYPD, the New York police department was not providing services in language. So they gathered all these documents. They documented all these cases, and they put together a lawsuit, including a violence intervention program and a legal aid organization with all plaintiffs in this lawsuit. Eventually got settled out of court because the city of New York realized that they were in the wrong and that they needed to change things.

Is this what we want to do? No. This is the last resort. This is the last thing that we wouldn't always want to do. But if you have to,

but if you have-- you feel that eventually, you may have to do something like this, I have included a link here to a webinar or a blog talk that we did last year with Cecilia Gaston and Paula Gomez-Stordy from-- my supervisor at Casa Esperanza who interviewed Cecilia.

And she provided a lot of great information about that particular situation. The whole process how that lawsuit came about. And you might be able to learn a lot from that. And you can find this webinar in the reachingvictims.org in our website with the National Resource Center for Reaching Victims. So make sure that you take a look and listen to that webinar or watch that webinar.

So what else we need to make sure that when we're doing all of these forums of system advocacy, and I mentioned the first one when I was giving you that example about that lady that I worked with. That she decided that there was a point where she was not going to go any further. And that's a survivor's autonomy. Always, always, always make sure that you-- what do you say? Respect survivor's autonomy.

If they tell you that they don't want to do something, don't do it. There could be repercussions or unintended consequences from something. And so every time that you're going to help them do something like this, make sure that they know about the

repercussions and that they know that potential or unintended consequences.

Especially when we're working with immigrants, there's a-- you know, the reality is that maybe if there don't have a status that protect them maybe from being deported, maybe that's something that could be an unintended consequence. So we need to make sure that everybody knows everything that could happen when you are doing this type of system advocacy on behalf of somebody.

Always make sure of confidentiality issues. If you are going to reveal any kind of confidential information, explain that to the survivors and have them sign all the proper releases. And be transparent. Be transparent about the process. Be transparent about why you are doing this. You know, some of those-- some of those reasons might be, OK, yes, this is helping you, but this is also going to help other survivors just like yourself later down the road that will receive better care, much better than the one maybe you have received.

And like I mentioned earlier, it's not about us. It's not about you. It's about the survivors. It's about the community. It's about people receiving equal treatment. It's about people receiving equal services for if they are a victim or a survivor. Some things that you could be doing. So there is some advocacy tips here that one of my colleagues shared with me. This slide is great.

Maybe some of the things that you can be doing proactively is provide know your rights information. I mentioned that postcard they might be getting later on. That's something that's good for advocates but also for your clients. You might be able to provide know your rights information. You know, letting people know, hey, these are your rights when it comes to language, you know, and language access. These are your rights.

And maybe you can do like a small pom card that you can give to people. Know their rights for jobs. A lot of information about know your rights for immigrants. That also is very good. Make sure that you clarify myths and information-- and misinformation. Sometimes we hear, and especially in immigrant communities a lot of misinformation about things that are not true. And people just hang on to those sometimes in the hopes of making changes in their lives and getting more stability if they are a survivor.

So making sure that you-- you help with that. And conduct or attend training to expand your knowledge. Accompany survivors and participants to services. Work with community partners or other system to ensure that this is a coordinated community response where we're working with survivors who are LEP or survivors who are deaf and hard of hearing.

And here are some links to the National Resource Center for Reaching Victims. We have there a lot of documents and information, webinars. We have for-- for a curriculum called

Translating Justice, that is a sort of train the trainer type of information that you can use to put together maybe training yourself to train your community or others in your community about language access and other obligations about different aspects.

Maybe it's to train your staff about language access provision. So make sure that you look into the library and the virtual library of reachingvictims.org. At Casa Esperanza, we are in nationallatinonetwork.org. Check our website. We do have language access toolkit and a language access toolkit for the courts.

And make sure also to check with the Asian Pacific Institute on Gender-Based Violence. They do have also a lot of great information about language access and how to work with interpreters and things like that they are very comprehensive as well. So this is all that we had today for this particular topic.

I appreciate your time. We are a little bit over right now, and the idea was to stay about an hour of content on this. But I appreciate that you are going to be listening to this webinar. If you have any questions, if you have any concerns, please reach out to us. Please reach out to my myself, lmartinez@casadeesperanza.org. That's my email. I answer promptly. Most of the time within 48 hours.

Check to our website and maybe sign up for a newsletter. Check the website of the National Resource Center for Reaching Victims and sign up for it there, for that newsletter. They also will be sending out a lot of information that might be helpful to you about future-- future webinars or future information that is coming out, not only on this topic but many other topics for underserved communities. So that is-- that is it for today. I hope you have a great day, and get back with me if you need any help. Thank you so much.