

## **QUALIFICATIONS OF SIGN LANGUAGE INTERPRETERS IN THE CRIMINAL JUSTICE SYSTEM**

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### **ABSTRACT**

Data from a recent survey of practicing legal interpreters in the criminal justice system is provided and discussed. The sample (46) was taken primarily from interpreters with advanced level certification throughout Texas. It identifies and documents that these interpreters have substantial levels of experience, education, and certification. However, there remains a severe shortage of qualified legal interpreters, deaf interpreters, and persons of color in the field of legal interpreting. This is coupled with an equally serious lack of educational opportunities for existing legal interpreters to update and maintain their skills, or to develop the competencies required to become a legal interpreter. The need for comprehensive programs preparing interpreters for work in legal settings exists in Texas and nationwide.

### **SIGN LANGUAGE INTERPRETERS IN THE CRIMINAL JUSTICE SYSTEM**

Currently, there are approximately 3,200 interpreters certified by the Registry of Interpreters for the Deaf (RID) across the nation. Of these, only 100 possess a legal specialist certificate (J. Patton, RID, 6/26/2000, personal communication). Clearly, this is not enough to fulfill current demands for services in the criminal justice system (Whalen, 1988; Alston, 1997; Miller, 2001). For example, in Alaska, there are three sign

language interpreters with legal training serving the entire state, only one of whom has completed the legal certification process and is fully certified (T. Pifer, Alaska RID President, 5/25/2000, personal communication). However, in areas of the United States far less remote than Alaska, minimal training opportunities are available to interpreters seeking legal certification.

In 1992, Great Britain, facing a shortage of sign language interpreters qualified to work in legal settings, declared a state of crisis and called for an emergency program to prepare more legal interpreters. It was proposed that, by 2001, registered interpreters would be required when conducting police interviews and courtroom proceedings (Simpson, 1999). America has begun to address similar concerns. In order to learn more about the qualifications of interpreters with advanced certification already working in criminal justice settings, a survey of professional sign language interpreters, based primarily in Texas, was conducted.

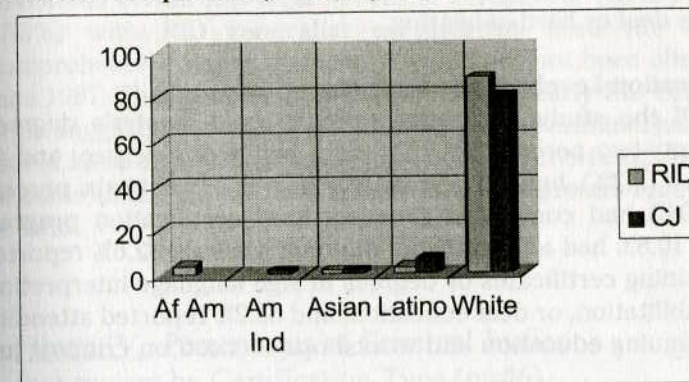
### Methodology

First, a survey instrument was developed, which focused on interpreter certification, education, and criminal justice employment experience (Appendix). Also included were questions about personal ties to the deaf community, and basic demographic questions. A total of 102 interpreters were selected using two criterion: their registered level of advanced certification and/or their known employment status in the criminal justice system. Approximately 95 of the interpreters contacted were hearing and seven were deaf. Forty-five percent of all interpreters who were contacted responded to the survey. Sixty percent (60.1%) were residing in Texas, with the remaining 39.1% representing Alaska, Arkansas, California, Missouri, Oregon, Pennsylvania, and Virginia.

### Results

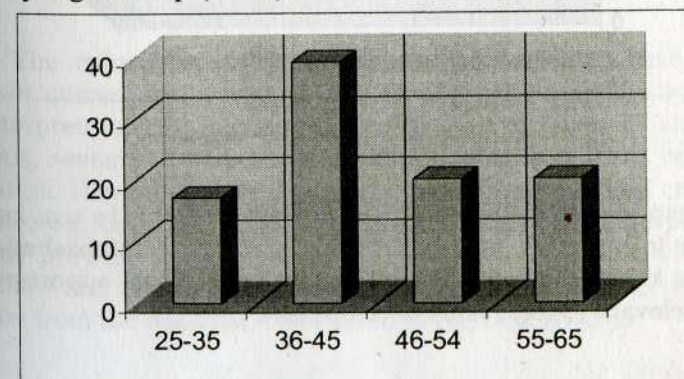
Sixty-five percent of respondents were women and 30.0% were men, with 4.3% of interpreters contacted declining to respond. Thirty-seven of the respondents (80.4%) were white. Other races represented were Hispanic (6.5%), Asian (2.1%), and American Indian (2.1%). Four persons (8.6%) did not respond to this question. A comparison to RID's interpreter database (n=1,942) reveals that 88% of its membership are Caucasian, 4% are African American, 3% are Latino, and 2% are Asian/Pacific Islanders (Burch, 2001).

**Figure I.** Percentages of RID (n=1,942) and Criminal Justice Interpreters (n=46) by Race



Thirty-nine percent (39.1%) of the legal interpreters surveyed were between the ages of 36 and 45. Twenty percent (19.5%) were between the ages of 46 and 54, and another 19.5% were between 55 and 65 years of age. Seventeen (17.3%) were between the ages of 25 and 35, and 4.3% declined to give their age.

**Figure II.** Percentages of Criminal Justice Interpreters by Age Group (n=46)

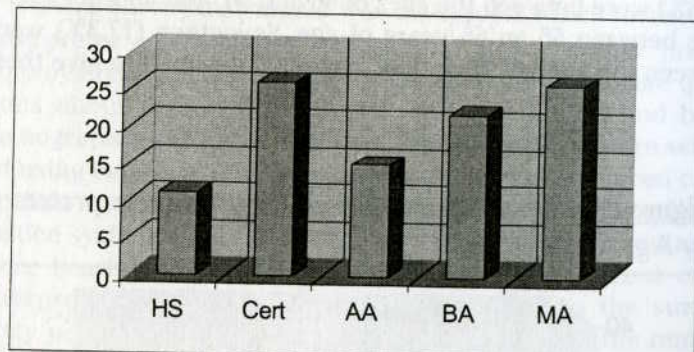


Nearly identical to an RID national job survey (n=4,692), which found that 95% of interpreters were hearing and 5% were deaf or hard-of-hearing (Burch, 2001), 93.4% of criminal justice interpreters surveyed were hearing, and seven percent (6.5%) were deaf or hard-of-hearing.

### Education Levels of Respondents

Of the study respondents, 26.0% held master's degrees. Twenty-two percent (21.7%) had a bachelor's degree, and fifteen (15.2%) had an associate's degree. Twenty-six percent (26.0%) had completed a college-level certification program and 10.8% had a high school diploma. Overall, 32.6% reported obtaining certificates or degrees in sign language interpreting, rehabilitation, or deaf education, and 65.2% reported attending continuing education and workshops focused on criminal justice.

Figure III. Percentages of Criminal Justice Interpreters By Education Levels, (n=46)

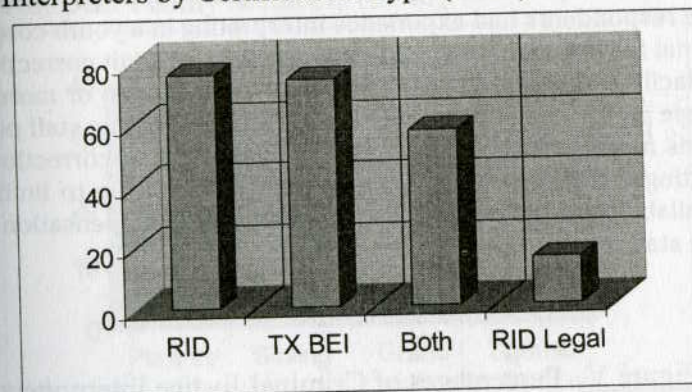


Despite the paucity of legal education available to sign language interpreters, it is evident that many have established a broad knowledge base by seeking out educational opportunities relevant to legal skills development.

### Certification Levels

Approximately 76.0% of the interpreters in the study held RID generalist certification, with 15.2% of those also holding a provisional or full RID legal specialist certificate. Twenty-two (47.8%) with RID generalist certification held the CSC (Comprehensive Skills Certificate), which has not been offered since 1987. This number of interpreters with early RID certification suggests that interpreters working in the criminal justice system have amassed superior experience in the field, and at the same time points to the lack of new interpreters entering the field.

Figure IV. Percentages of Criminal Justice Interpreters by Certification Type (n=46)



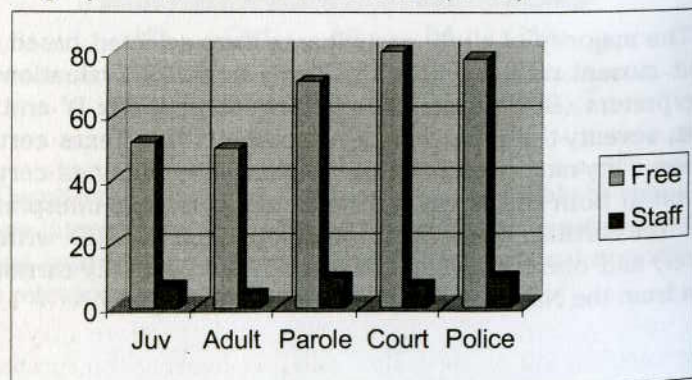
The majority of study participants were selected based on their current ratings within the Texas Board of Evaluation of Interpreters (BEI) register of certification at levels IV and V; thus, seventy-three percent of respondents had Texas certification. Fifty-nine percent of participants had obtained certification at both the Texas and national levels. One interpreter was pre-certified (successful completion of the RID written exam) and one interpreter held generalist (level III) certification from the National Association of the Deaf (NAD).

### Employment Histories

Past and current employment experiences of the respondents were richly diverse, reflecting backgrounds in forensics, mental health counseling, paralegal services, mediation, development of training videos, conducting workshops, teaching American Sign Language (ASL), doing proficiency evaluations of interpreters and signers, as well as obtaining a degree or employment in the field of criminal justice. Thirty-nine percent of participants had been or were currently teaching in an interpreter training program (ITP), another 30.4% had coordinated or owned an interpreting service agency, and 19.5% had worked in some facet of deaf social services.

Relating to those providing freelance interpreting services in criminal justice settings, 80.4% had experience in the courtroom, 78.2% had experience interpreting for law enforcement, 71.7% had experience in probation and parole settings, 52.1% of the respondents had experience interpreting in a youth correctional facility, and 50.0% had experience in an adult correctional facility. Most participants had experience in two or more of these areas. The percentages of interpreters holding staff positions in law enforcement, courtroom, parole, and correctional settings is negligible by comparison, possibly due to limited availability of staff positions or insufficient compensation at the staff level.

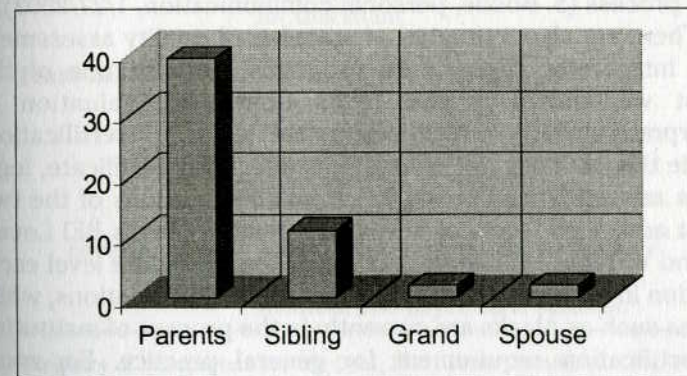
**Figure V.** Percentages of Criminal Justice Interpreters Employment, Freelance and Staff (n=46)



### Deafness in the Family

Personal experience with deaf people has the potential to equip interpreters with a heightened sensitivity and understanding of deaf culture, as well as superior expressive and receptive fluency in ASL. The RID national job survey found 38.1% of its membership had a deaf person in their family (Burch, 2001), while 54.3% of the criminal justice survey respondents had a deaf person in their family. Thirty-nine percent (39.1%) of criminal justice interpreters had deaf parents and 10.8% had deaf siblings. About 4.3% had a deaf grandparent or spouse.

**Figure VI.** Percentages of Criminal Justice Interpreters With Deaf Family Members (n=46)



Although seven deaf interpreters were contacted, only three (6.5% of the total sample population) responded to the survey. This indicates that they either chose not to reply or that they do not accept work in legal settings. Regardless, there are an inadequate number of deaf interpreters certified at the level required for providing relay interpreting services in legal and courtroom settings. Of the deaf respondents, only one possessed a CDI (Certified Deaf Interpreter) certificate. One reason for this may be that deaf interpreters consistently have less opportunity to work as interpreters, and therefore may not seek certification at the same rates as hearing interpreters. Although the use of a deaf interpreter with deaf defendants

who have minimal language skills is often necessary, it is rarely provided. The police and courts rarely allow sufficient time for deaf interpreters to clarify complex legal proceedings for deaf defendants who need extensive explanations through examples, mime, gestures, and drawings (Miller & Vernon, 2001).

### Certification Standards

Currently, there are two well-known national certification systems for sign language interpreter certification, the RID, and the NAD. The NAD does not offer legal specialist certification at this time. The RID does provide legal certification, which includes the completion of stringent educational and/or experiential prerequisites prior to sitting for the legal specialist (SC:L) exam. The National Council on Interpreting (NCI; a council comprised of RID and NAD representatives) has been working to develop a single, national testing system and certification process (S. Boone, personal communication, 1/27/2002).

There are also a number of state-based quality assessment and interpreter certification programs; perhaps one of the most well-known is the Texas Board of Evaluation of Interpreters (BEI), which offers five levels of certification. While the BEI does not offer a legal specialist certificate, legal skills are referenced in the functional descriptions of the two most advanced levels of Texas certification (Texas BEI Levels IV and V; Table 1). The state of Texas requires state level certification in order to practice in general or legal situations, while states such as Alaska are currently in the process of instituting a certification requirement for general practice. For most states, it is simply not practical to require interpreters working in criminal justice settings to acquire legal certification. This would become feasible only after sufficient training, continuing education, and certification opportunities become available.

### Legal Education for Interpreters

As indicated earlier, there are few degree or certificate programs available in legal interpreting. At one time, California State University at Northridge (CSUN) offered a seven-week course in legal interpreting, but it was discontinued in 1995. Currently, the RID administers the Specialist Certificate: Legal (SC:L) but does not provide preparatory training for the exam. The Wisconsin RID Legal Interpreter Training Institute offers a three-part legal training, which consists of seminar courses on

Table 1

### Current Legal Certification Standards by Certifying Agency

Certificate Title	Functional Definition
<b>RID</b>	
SC:L	Holders of this specialist certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Prerequisite certification and documented experience is required prior to sitting for this exam.
<b>Texas BEI</b>	
Level IV	This interpreter exhibits vocabulary necessary to interpret in legal, medical, and psychiatric settings.
Level V	This interpreter exhibits vocabulary necessary to interpret in legal, medical, and psychiatric settings.

(Registry of Interpreters for the Deaf, 1997; Texas Commission for the Deaf and Hard of Hearing, 1999).

topics such as deaf/hearing teams in legal settings, preparation for legal assignments, law enforcement interpreting, deposition simulations, and jury duty interpreting (Gorra, 2001).

### DISCUSSION

These data indicate that highly qualified, freelance interpreters work more frequently in courtroom, parole, and law enforcement settings than in correctional settings. The demand for legal interpreters is likely to be sporadic at best in

non-urban areas, and criminal justice organizations in rural settings would not have a sufficient demand for services to justify employment of a full-time sign language interpreter on staff.

Texas statutes require that all interpreters be state-certified, a practice that other states such as Alaska are currently in the process of adopting (T. Pifer, personal communication, 5/25/2000). If more states were to legislate interpreter certification, it would indirectly help to establish more legal training opportunities.

It is crucial that persons of color be recruited to work as legal interpreters and to provide cultural awareness training to other interpreters, thereby increasing the likelihood that deaf persons of color will receive culturally accurate interpretations ("Landmark Court Case," 2000). While there are almost no persons of color providing legal interpreting services, the opposite is likely to be true for consumers of these services. Case in point, in Texas, African Americans make up only 12% of the general population, but comprise 46% of the incarcerated population (Bureau of Justice Statistics, 1996).

### FUTURE DIRECTIONS IN LEGAL INTERPRETING

To date, 17 states have passed laws pertaining to the general use of sign language interpreters, and eight states are in the process of investigating or proposing interpreter-focused legislation (Virginia Registry of Interpreters for the Deaf, 2001). These laws impact a range of interpreter activities such as certification, registration, and/or licensure, the grandfathering of experienced interpreters, exemptions from certification if interpreting is limited to specific settings, educational interpreter standards, recognition of ASL as a language, continuing education requirements for interpreters, payment of interpreters, and legal interpreting.

Alabama maintains an online list of interpreters who have been pre-approved for courtroom use (Code of Alabama, 1975). Arizona has legislated certification and continuing education requirements for legal interpreters (Arizona Administrative Code, 1997), and Washington state has codified the conduct of its courtroom interpreters. Kentucky has a provision for privileged communication, which states that interpreters may not be examined as witnesses in criminal or civil proceedings (KRS 30A.410). South Carolina is currently proposing a bill contain-

ing regulations for courtroom interpreters. Georgia statutes require that "the arresting law enforcement agency shall provide a qualified interpreter to any hearing-impaired person being taken into custody for allegedly violating criminal law" ([OCGA] 42-9-103 (a); State v. Hendrix, 1996).

As more states pass laws regarding interpreting services for deaf persons in legal and criminal justice situations, the demand for this highly specialized service will expand. For that reason, increased educational opportunities must be made available to prepare sign language interpreters for legal language, procedures, and ethical situations intrinsic to the criminal justice system. Recently, there has been a call to revise the RID Code of Ethics for interpreters working in highly specialized settings (Cokely, 2000; Miller & Paris, 2001).

Attention must be given not only to situations that require an interpreter, but to what level of certification is necessary in each setting. For example, the Americans with Disabilities Act (ADA; 1990) mandates that correctional facilities provide effective communication to deaf inmates for prison services, programs, and activities. For inmates whose language is ASL, effective communication is a qualified interpreter. Nevertheless, there has been much confusion about the terms qualified and certified. Corrections facilities may need to provide legally certified specialists for activities such as internal hearings relating to disciplinary or legal status or prisoner placement. For medical, mental health, and chemical dependence treatment, an interpreter certified at the generalist level or higher may be sufficient. For religious services and prison jobs, or when needed for recreation, socialization, or the receipt of directives from corrections officers, a qualified interpreter, either certified or pre-certified, may constitute a reasonable accommodation in many cases.

Thus, one important function of a national interpreter certification system and registry is to assist entities such as the criminal justice system in locating qualified interpreters, although effective communication will not be guaranteed. For example, this survey reflects only the experiences and education of advanced level certified interpreters primarily practicing in Texas, a state that legislates the skill levels required of interpreters for criminal justice employment. It does not represent pre-certified or entry-level certified interpreters across the nation who may be currently working in legal settings due to the scarcity of available, legally certified interpreters in the

criminal justice system. Nor does this study address the complicated communication needs of deaf persons with language disorders, or the systemic barriers that interpreters frequently must contend with in the legal setting.

### SUMMARY

Legal educational opportunities and certification should be required for sign language interpreters working in criminal justice. Training is particularly needed for interpreters who are deaf and/or persons of color, as these groups are grossly underrepresented in the interpreting profession and overrepresented in the consumer base. It is also necessary to provide advocacy and education services to criminal justice professionals, such as judges, attorneys, correctional officers, and law enforcement. Training for deaf people who want to become legal advocates must be made available so that partnerships can be formed between interpreters, the deaf community, and the criminal justice system in order to provide due process through effective communication at all levels of the justice system (Whalen, 1981). ■

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