# Foreign Language Interpreters and Forensic Mental Health

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# Limited English Proficiency (LEP) in the U.S.

| Characteristics | Population | Spoke English "very well" (%) | Spoke English "well" (%) | Spoke English "not well" (%) | Spoke English "not at all" (%) |
|---|---|---|---|---|---|
| Population | 291,524,091 | X | X | X | X |
| Spoke a language other than English at home | 13,569,252 (22.4%) | | | 15.4 | 7.0 |
| Spoke Spanish or Spanish Creole | 9,733,164 (25.9%) | | | 16.9 | 9.0 |
| Spoke Chinese | 2,882,497 | 44.3 | 26.1 | 19.9 | 9.7 |

(Ryan, 2013)

# Courtroom Interpretation

The Court Interpreters Act of 1978: denying the non-English speaking and hearing-impaired the use of a court-appointed interpreter would be tantamount to denying them their basic constitutional rights (Berk-Seligson, 1990).

Federal court events requiring interpretation:
Fiscal Year 2004 – 223,996
Fiscal Year 2010 – 357,171
(Administrative Office of the US Courts, 2012).

# Mental Health Providers and LEP Clients

## National Sample of Mental Health Providers

| History with Foreign Language Services | Number of Respondents (N = 181) |
|---|---|
| Able to provide w/o interpreter | 52 (29%) |
| Asked to provide | 126 (70%) |
| Asked to provide multiple times per year | 70 (39%) |

## Certified Forensic Evaluators in Missouri

| History with Foreign Language Services | Number of Respondents (N = 15) |
|---|---|
| Able to provide w/o interpreter | 0 (0%) |
| Asked to provide | 10 (67%) |
| Asked to provide multiple times per year | 2 (13%) |

# Mental Health Providers and LEP Clients

National Sample of Mental Health Providers

| History with Foreign Language Services | Number of Respondents (N = 181) |
|---|---|
| Asked to provide | 126 (70%) |
| Worked with interpreter | 101 (56%) |
| Have not worked with interpreter | 80 (44%) |

Certified Forensic Evaluators in Missouri

| History with Foreign Language Services | Number of Respondents (N = 15) |
|---|---|
| Asked to provide | 10 (67%) |
| Worked with interpreter | 10 (67%) |
| Have not worked with interpreter | 5 (33%) |

# Languages Needed

| Language | Asked to Provide (N = 181) | Able to Provide (N = 181) |
|---|---|---|
| Spanish | 72 (40%) | 22 (12%) |
| Arabic | 23 (13%) | 1 (0.5%) |
| Vietnamese | 23 (13%) | 1 (0.5%) |
| Chinese | 23 (13%) | 4 (2%) |
| French | 22 (12%) | 13 (7%) |
| Other | 42 (23%) | 18 (10%) |

# Interpretation methods and modes

| Method | Description |
|---|---|
| Consecutive | An interpreter will wait for the completion of an utterance before interpreting the meaning out-loud |
| Simultaneous | Interpreting words immediately (e.g., a United Nations conference) |

(Tribe, 2005)

| Mode | Description |
|---|---|
| Linguistic | Interpreters attempt as close to a "word-for-word" interpretation as possible; maintain a neutral and distal position to the client |
| Psychotherapeutic/ constructionist | The interpreter is most concerned with the meaning or feeling of the words |
| Cultural broker/ bicultural worker | The interpreter aims focuses mainly on relevant cultural or contextual factors |
| Adversarial/community | The interpreter acts as his or her client's advocate and aims to represent the client's best interest beyond interpreting language |

# Types of Interpreters

| Type of Interpreter | Used at least once (N = 101) |
|---|---|
| Ad Hoc | 54 (53.5%) |
| Professional | 85 (84.2%) |
| Remote | 37 (36.6%) |
| Proximate | 90 (89.1%) |
| Mental Health Specialist | 35 (34.7%) |

| Mode of Interpreters | Mode Used (N = 101) | Mode Preferred (N = 181) |
|---|---|---|
| Linguistic | 46 (45.5%) | 43 (24.2%) |
| Cultural Broker | 39 (38.6%) | 96 (53.9%) |
| Psychotherapeutic | 16 (15.8%) | 38 (21.3%) |
| Adversarial | 0 (0.0%) | 1 (0.6%) |

# Potential Biases

# Difficulty of Interpretation

In a study of trained and untrained Spanish interpreters in a pediatric emergency department:

Both groups averaged close to 33 errors per encounter.

When specified to errors of possible clinical significance:
trained interpreters exhibited fewer errors (12%)
compared with their untrained counterparts (22%).

Hale (2002) examined 17 local court cases between 1993 and 1996 focusing on speech-style.

Interpreters' renditions were compared with the actual speakers' words, focusing on the use of hedges (e.g., Kind of), fillers (e.g., You know), discourse markers (e.g., Well), and hesitations or pauses.

According to the results, there were 191 hedges and fillers, but only 120 were rendered by the interpreter(63%).

# Differences in Length of Stay Based on Use of an Interpreter (Oregon State Hospital)

|  | Used Interpreter | Did Not Use Interpreter | Total |
|---|---|---|---|
| N (%) | 99 (4.2) | 2285 (95.8) | 2384 (100) |

|  | T | df | *p* | Mean Difference |
|---|---|---|---|---|
| Length of Stay | -2.699 | 89.308 | .008 | 41.56 days longer |

Dewhirst, L., Murakami-Brundage, J., & Bobadilla, L. (2018)

# Correlation between Use of an Interpreter and Competency Evaluation Results

NOT RESTORABLE: There was a positive relationship between use of an interpreter and being found "not restorable in the foreseeable future (i.e., PIST)"

r = .042

p = .039

ABLE TO ASSIST: There was a negative relationship between use of an interpreter and being found "able to aid and assist (i.e., Competent to Proceed)"

r = -.097

p = .000

Dewhirst, L., Murakami-Brundage, J., & Bobadilla, L. (2018)

# Simulated Juror Testimony Verdicts

The interpreted defendant was the *least* likely to be found guilty.

$\chi^2(2) = 10.77$, Cramer's $V = .22$, $p = .01$

| Verdict decisions across conditions. | | |
|---|---|---|
| **Condition** | Not Guilty<br>n (%) | Guilty<br>n (%) |
| **English-speaking Majority** | 28 (51%) | 27 (49%) |
| **English-speaking Minority** | 20 (40%) | 30 (60%) |
| **Interpreted Minority** | **41 (71%)** | **17 (29%)** |
| **Total** | 89 (54%) | 74 (46%) |

# Influence of Juror Attitudes

Attitudinal variable correlations ($* = p < .05$; $** = p < .01$):

| Robbery - English | | | |
|---|---|---|---|
| | Guilt Rating | Perceptions of Defendant | Perceptions of Testimony |
| MRS | .16 | .08 | .07 |
| CoBRAS | .16 | .21 | .16 |

| Robbery – Female Interpreter | | | |
|---|---|---|---|
| | Guilt Rating | Perceptions of Defendant | Perceptions of Testimony |
| MRS | .08 | .09 | -.02 |
| CoBRAS | -.01 | .08 | -.04 |

| Robbery – Male Interpreter | | | |
|---|---|---|---|
| | Guilt Rating | Perceptions of Defendant | Perceptions of Testimony |
| MRS | .29* | .32* | .28* |
| CoBRAS | .32* | .33* | .31* |

# Influence of Juror Attitudes

Attitudinal variable correlations ($*$ = $p < .05$; $**$ = $p < .01$):

| Sexual Assault - English | | | |
|---|---|---|---|
| | Guilt Rating | Perceptions of Defendant | Perceptions of Testimony |
| MRS | .00 | .06 | .08 |
| CoBRAS | -.11 | -.03 | -.04 |

| Sexual Assault – Female Interpreter | | | |
|---|---|---|---|
| | Guilt Rating | Perceptions of Defendant | Perceptions of Testimony |
| MRS | .15 | .03 | .09 |
| CoBRAS | .16 | -.01 | .06 |

| Sexual Assault – Male Interpreter | | | |
|---|---|---|---|
| | Guilt Rating | Perceptions of Defendant | Perceptions of Testimony |
| MRS | .38** | .31* | .32* |
| CoBRAS | .34** | .28* | .27* |

# Guidelines

# General (Searight, 2017)

Speak in the first person.
"If Mr. Adan says, 'I can't sleep at night,' say, 'I can't sleep at night' rather than 'he can't sleep at night' ".

Interpret everything that is said.
"Do not leave anything out that I say or the patient says. Also, please do not substitute words if you can avoid it, or summarize what either of us say, or add your own observations. If you want to address me directly, please begin with 'Interpreter would like to say . . .' "

Consider your positioning.
"I will want you to sit to the side and slightly behind the patient, so as to strengthen the relationship and contact between the patient and myself."

# General (Searight, 2017)

Encourage communication between professional and interpreter.
"If there is something you do not understand, please stop me. Also, if it seems to you that I am not understanding something, please let me know."

"If you are not sure about how to interpret something that I say, please let me know and I will try to say it differently. I recognize that some of the terms I or the patient use will not have a direct English equivalent. Please do your best to express the meaning of what is said."

Discuss and confirm the interpreter's understanding and acceptance of confidentiality, as well as avoidance of potentially exploitative dual relationships.

# For Forensic Evaluators (Maddux, 2010)

Only use certified court interpreters.

Carefully consider that video or tape recordings to verify the interpreter's accuracy may become discoverable.

Specify in the report whether an interpreter was used and any interpreter-related threats that may have impacted the reliability and validity of findings.

Learn the translation of key words in the patient's native language that are relevant to the psycho-legal question(s).

# For Forensic Evaluators (Maddux, 2010)

Insist that the interviewee use the interpreter if speaking directly to the evaluator in English.

Request that the interpreter include the interviewee's emotion and speech style (e.g., hesitations, hedges, etc.) when rendering speech content.

Provide time for the interpreter to develop rapport with the interviewee and get accustomed to any regional dialect.

Avoid altering your typical speech style and professional practices to accommodate for the interpreter.

# References

Administrative Office of the U.S. Courts. (2012). Administrative office director's annual report 2012. Retrieved from http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/AdministrativeOffice/DirectorAnnualReport/annual-report-2012.aspx

Berk-Seligson, S. (1990). *The bilingual courtroom: Court interpreters in the judicial process*. Chicago: The University of Chicago Press.

Dewhirst, L., Murakami-Brundage, J., & Bobadilla, L. (2018). Does use of an interpreter predict length of competency restoration in an inpatient population?. *Paper presentation presented at the Annual Meeting of the American Psychology-Law Society in Memphis, TN.*

Hale, S. (2002). How faithfully do court interpreters render the style of non-English speaking witnesses' testimonies? A data-based study of Spanish—English bilingual proceedings. *Discourse Studies*, 4(1), 25-47.

Maddux, J. (2010). Recommendations for forensic evaluators conducting interpreter-mediated interviews. *International Journal of Forensic Mental Health*, 9(1), 55-62.

Ryan, C. (2013). Language use in the United States: 2011. *PDF. American community survey. US Census Bureau. Retrieved*, 08-11.

Searight, H. (2017). Clinical and Ethical Issues in Working with a Foreign Language Interpreter. *National Register of Health Service Psychologists*. https://www.nationalregister.org/pub/the-national-register-report-pub/journal-of-health-service-psychology-fall-2017/clinical-and-ethical-issues-in-working-with-a-foreign-language-interpreter/

Tribe, R. (2005). Working with interpreters. *Race, culture, psychology and law*, 163-176.