



# Toward Access to Justice for Deaf People in Legal Settings

Lorraine Leeson, Teresa Lynch & Lucia Venturi

NUI-Cork, 26 May, 2015



# Homeless man jailed for pushing man to his death under bus

Edward Connors (30), who is deaf and cannot speak, gets seven year sentence



Gardai on the scene of the incident on Dawson Street in Dublin on December 6th, 2012.

Topics: [News](#) [Crime & Law](#) [Circuit Court](#) [Edward Connors](#)  
[Eoghan Dudley](#) [Patrick McCartan](#) [Director of Public Prosecutions](#)

Mon, Feb 23, 2015, 13:55

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A homeless heroin addict has been sentenced to seven years in prison for killing an acquaintance by knocking him under a bus in Dublin on December 2012.

# 3 P's

- Parity of esteem
- Parity of access
- Parity of participation

• (Leeson 2014)

•

'Last chance' for man with 186 convictions

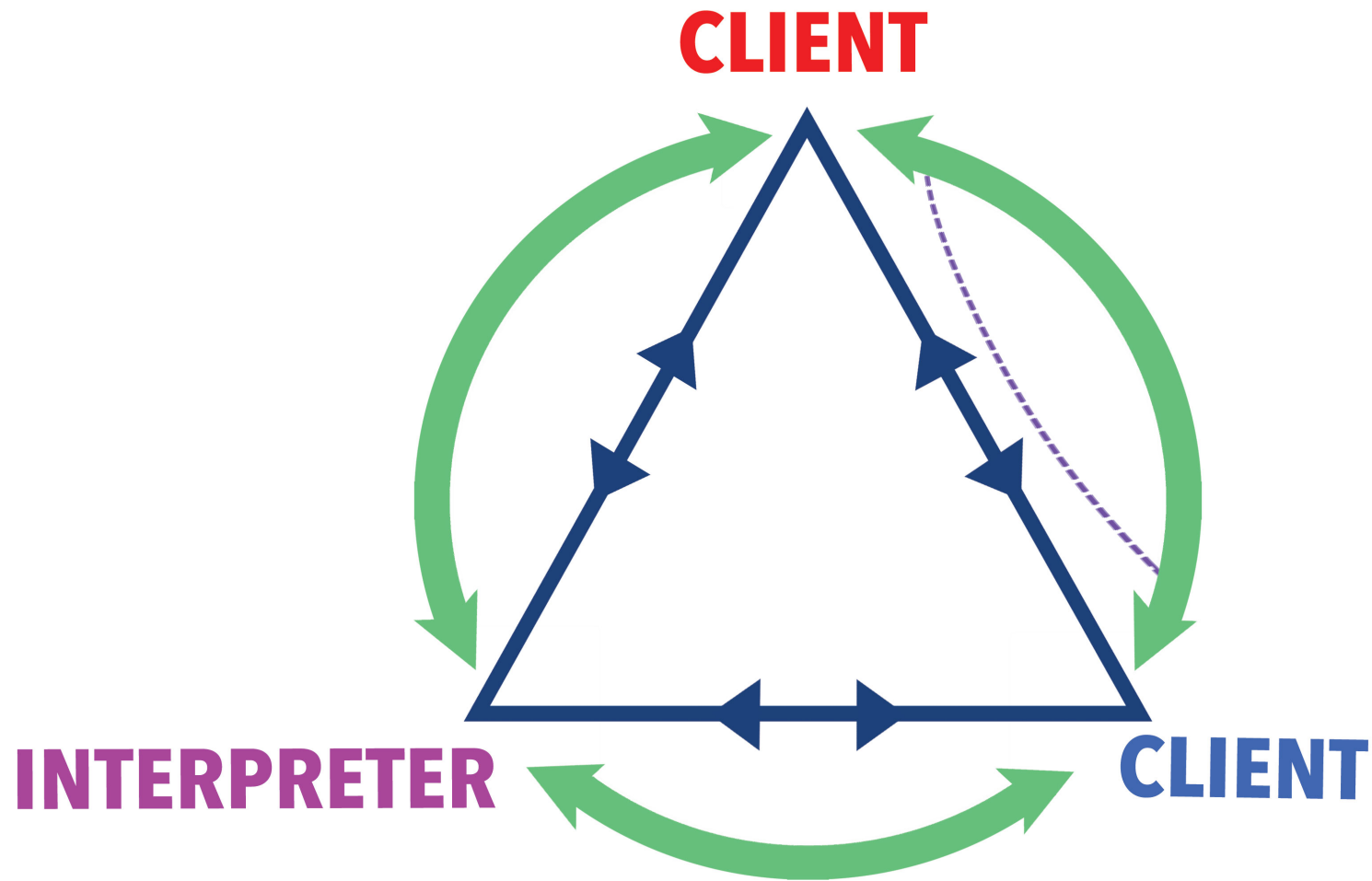


About the Project...

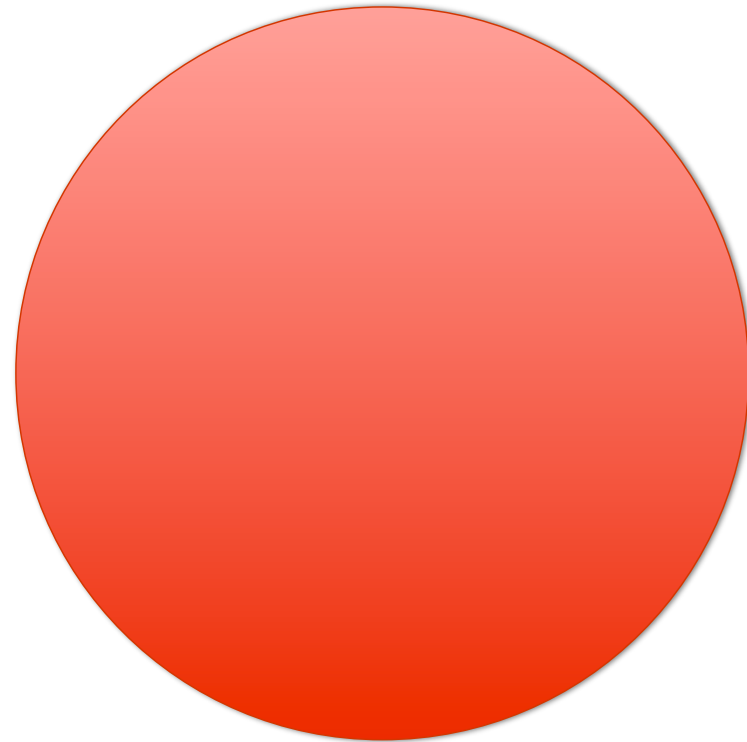
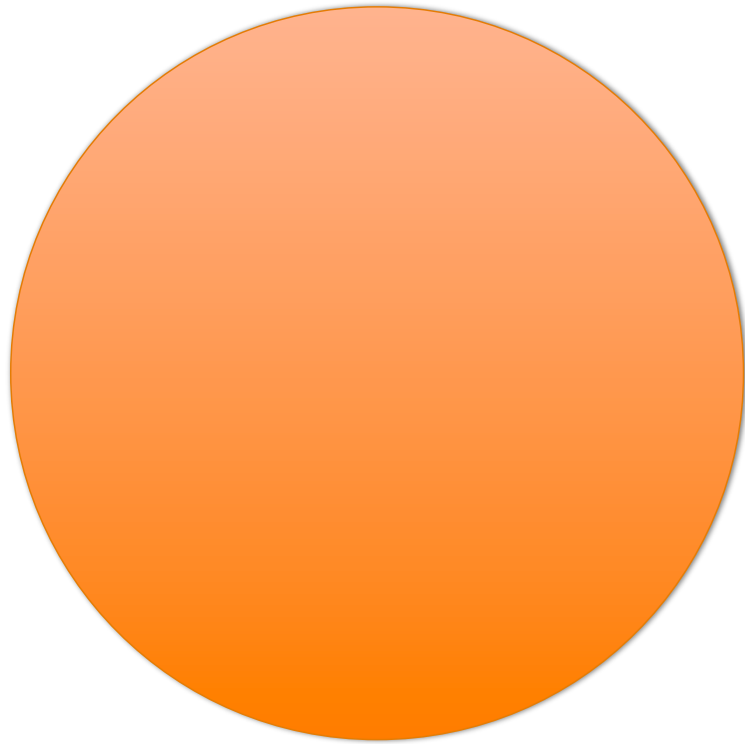
**JUSTISIGNS** is modelled on the award winning MEDISIGNS project (2010-2012).

- providing training resources to legal professionals in Deaf-awareness issues and improving communication when working with signed languages
- providing sign language interpreters resources for their continuous professional development (CPD) (post-qualification) and when interpreting in legal interactions;
- providing Deaf communities a deeper understanding of the ***Triadic Relationship*** within legal settings.

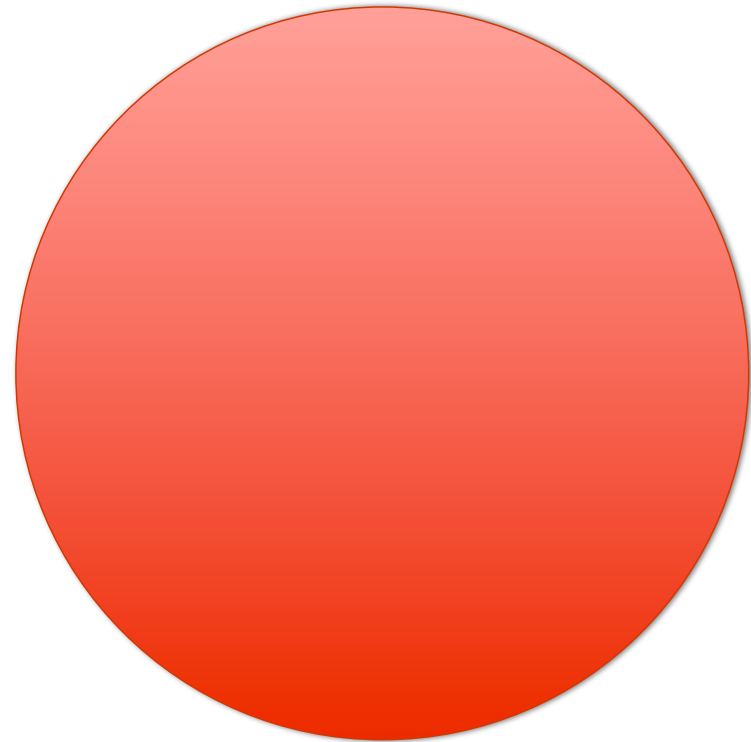
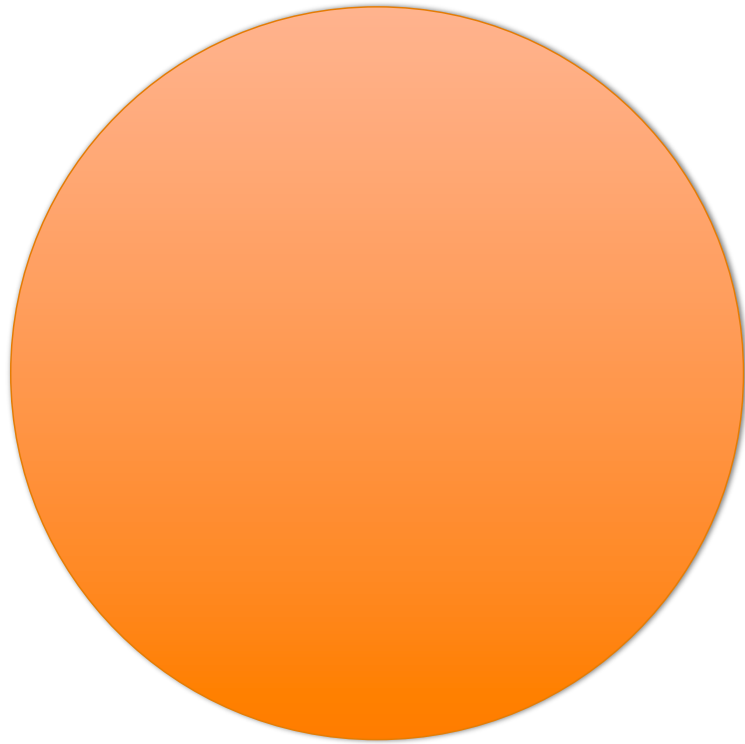
# Negotiating the Distance of Difference



Negotiating the distance of  
difference?



But maybe we can aim for  
this...





# **EFFORT MODEL OF ENGAGEMENT**

$$**E = COIZ \{FOI + CON + A/C\}^{IC}**$$

**E = EFFORT**

**COIZ = CONSTRUCTION OF IDENTITY ZONE**

**IC = INTERPRETER CAPACITY**

**CON = CONTEXT**

**A/C = AUTONOMY  
CONSTRAINT**

**FOI = FUND OF INFORMATION**

- A need for a more formalised/potentially accredited training in the EU for practising interpreters in legal contexts where specialised training does not exist;
- Deaf community response to poor access to interpreter provision in police stations and court room settings;
- Existing research from interpreters, Deaf community and interpreter trainers reporting need for further CPD and specialist training;
- Research from planned focus groups within the Deaf community;
- European Directives/Human rights agenda/ and national legislation;

## TRAINING COURSE

### COURSE MATERIALS

- *Course materials developed by partners and other experts;*
- *10 Learning Units (Linguistics, ethics, legal context interpreting)*
- *Standalone sessions (Interpreting in courtroom; legal consultations; arrest)*
- *Can be embedded into 10 ECTS course (such as that offered by CDS)*
- *Delivered as blended learning using moodle or other VLE*
- *Geographically portable - can be used in USA and outside of partnership*

### Supported by

#### Videos

***Filmed in HD***

***Subtitled***

***Views from legal professionals,  
interpreters, Deaf communities'  
experiences***

#### Supplementary Readings and Notes

***Articles***

***Notes***

***Links to external sources***

***Case studies***

## OUTPUTS & PROCESSES



- **31 Country review of interpreting**
- **CPD and VET Course Materials**
- **Guidelines (posters, guidebooks, WITH etc)**
- **iPhone App**
- **Video footage** (source language with subtitles)
- **Website ([www.justisigns.com](http://www.justisigns.com))**
- **Masterclasses & workshops**

 **@justisigns**



# The Irish Part of the Project...

# Irish Focus

## Action Research

- Questionnaire
- Focus Groups
- Piloting content for prospective DIs
- Developing research-led training content for key stakeholders

# Some Background

- Police Procedures
- Court Processes
- Irish Prisons and Deaf People
- What constitutes reasonable accommodation?

# Police Processes

- Interviews with suspects highly time-critical
- Awareness re: securing appropriate interpreters – skill, number of interpreters, credentials;
- Awareness of issues that may affect a deaf interviewee: cultural issues, literacy issues, mental health considerations, etc.
- Working with interpreters – turn-taking, interaction, quality control, transparency, understanding the scope of practice of the interpreter....





# Court Processes

- Interpreters available for criminal matters & in the family courts via the Courts Services.
- Quality of interpreters in court (regardless of language/modality) has been an issue raised internationally (e.g. Brennan & Brown 1997, Brennan 1999, Russell & Hale 2008, Hale 2010, 2014, Mathers 2006, etc.)
- There have also been concerns about the criteria used by the Courts Services in recruiting interpreters locally (ITIA, Phelan - varia, Bacik 2007, Waterhouse 2009 ).

# Prison Services

- Identify the number of Deaf and Hard of Hearing people in the Irish prisons \*.
- There are no professional organisations or institutions that track or record information of suspects with “hearing impairment” or other disabilities.



# Prison Services

**The  
Challenges of  
Being Deaf in  
Prison**



# Prison Services

- *“ Despite the advent of sophisticated data systems, there is no simple way to track or capture the number of suspects with disabilities (hearing impairment and others) ... ” (Vernon & Greenberg 1999 p.260).*
- *“... these barriers most often occur when agencies and professionals fail to recognise the importance of providing appropriate accommodations”. (Miller et al. 2005 p.423).*
- *Some institutions tried to identify Deaf prisoners in order to provide communication support and facilitate sign language interpreters and other specific services. (Vernon & Greenberg 1999).*

What constitutes  
“Reasonable Accommodation”?

# Interpreting Services

- How many times are interpreters requested/ provided? No central data exists...
- Challenges: Arrival, Waiting room, Interpreting session, Leaving assignment location (Co-Minor Project findings 2014).
- What about the legal basis for the provision of interpreters?

# European Directives

- Directive 2010/64/EU on the right to interpretation and translation-right to interpretation at all stages of the procedure (pre-trial, trial), right to translation of essential documents, MS shall bear the costs and ensure the quality.
- Directive 2012/13/EU on the right to information - MS shall ensure that the information provided shall be given orally or in writing, in simple and accessible language, taking into account any particular needs of vulnerable suspects or vulnerable accused persons.

# European Directives

- Directive 2012/29/EU on minimum standards on victims' rights –applicable as of November 2015
- •-Directive 2011/92/EU on Child Sexual Abuse: provisions on protection and assistance (including interviewing); notion of **particularly vulnerable victims**
- •-Directive 2011/36/EU on Trafficking in Human Beings and protecting its victims: specific provisions on child victims and unaccompanied child victims



# In Ireland?

- Directive 2010/64/EU has been transposed into Irish law by two statutory instruments, SI565 for the Courts and SI564 for the Garda (Irish police).
- The Irish Translators and Interpreters Association (ITIA) has raised concerns about the Sis and what they DO NOT cover, relative to the Directive.
- Critically, issues such as minimum standards of training, **quality control**, and **lack of awareness re: situation of Deaf people....**

## Statutory Instrument 564 of 2013

- – European Communities Act (Interpretation and Translation for Persons In Custody in Garda Síochána Stations) Regulations, 2013
- Re: “*Persons with hearing or speech impediments*”
- 12. Without prejudice to the provisions of any other enactment, where an arrested person is deaf or there is doubt about his or her hearing ability or where the person suffers from a speech impediment which significantly affects his or her ability to be understood, the member in charge shall make appropriate arrangements

# Problems?



# Irish Focus

## Action Research

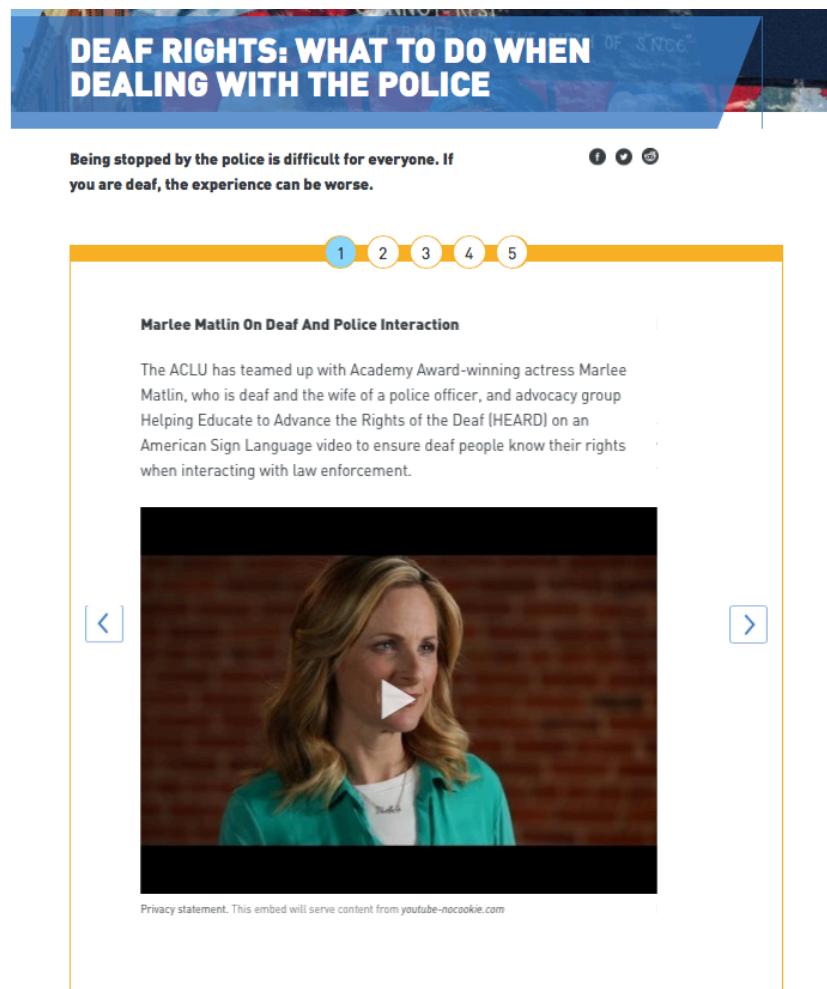
- Questionnaire
- Focus Groups
- Piloting content for prospective DIs
- Developing research-led training content for key stakeholders

# Questionnaire

- To replicate a questionnaire (in part) that was distributed by the Co-Minor Project to benchmark the use of interpreters in a range of police settings..
- To benchmark Gardaí experiences when interacting with deaf individuals in criminal proceedings with and without Sign Language/English interpreters;
- To benchmark the normative communication approaches Gardaí and other professionals use when engaging with deaf people.

# Focus Groups

- To run a parallel study to that carried out in Scotland by our Justisigns Partners at Heriot Watt University.
- To benchmark experiences of stakeholders with experience of the legal system in Ireland.




**DEAF RIGHTS: WHAT TO DO WHEN DEALING WITH THE POLICE**

Being stopped by the police is difficult for everyone. If you are deaf, the experience can be worse.

1 2 3 4 5

**Marlee Matlin On Deaf And Police Interaction**

The ACLU has teamed up with Academy Award-winning actress Marlee Matlin, who is deaf and the wife of a police officer, and advocacy group Helping Educate to Advance the Rights of the Deaf (HEARD) on an American Sign Language video to ensure deaf people know their rights when interacting with law enforcement.



Privacy statement. This embed will serve content from youtube-nocookie.com

# Piloting content for prospective DIs

- Scope of practice of DIs in Ireland
- VERY few working DIs in Ireland – problem for legal settings where individuals sometimes have additional linguistic attributes/challenges (e.g. limited linguistic skills, limited knowledge of ISL/English, etc.)
- DI/HI working together – considerations for legal settings?
- Training opportunities?
- Work opportunities?

# Developing research-led training content for key stakeholders

- PRE-Session
- SESSION
- POST-Session



# Critically: Building Relationships



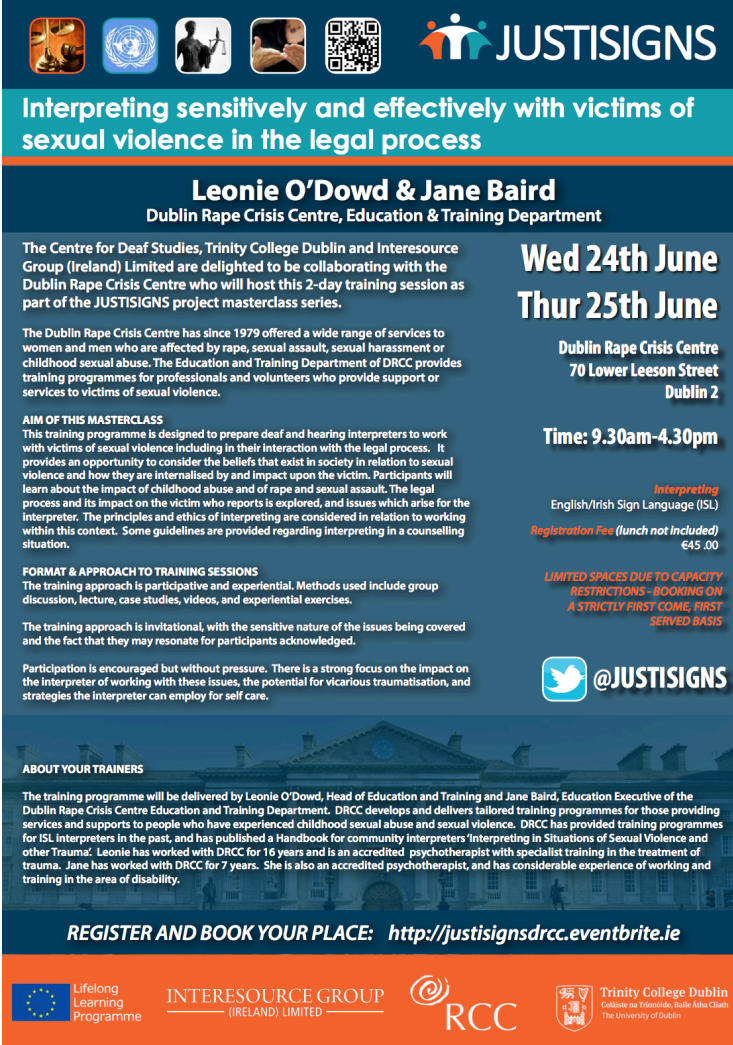
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# Our next Justisigns Event!

- Aimed at interpreters
- “Interpreting Sensitively & Effectively with Victims of Sexual Violence in the Legal Process”
- Dublin – 24/25 June 2015 at the Dublin Rape Crisis Centre



**Interpreting sensitively and effectively with victims of sexual violence in the legal process**

**Leonie O'Dowd & Jane Baird**  
Dublin Rape Crisis Centre, Education & Training Department

The Centre for Deaf Studies, Trinity College Dublin and Interresource Group (Ireland) Limited are delighted to be collaborating with the Dublin Rape Crisis Centre who will host this 2-day training session as part of the JUSTISIGNS project masterclass series.

**Wed 24th June**  
**Thur 25th June**

Dublin Rape Crisis Centre  
70 Lower Leeson Street  
Dublin 2

**Time: 9.30am-4.30pm**

*Interpreting*  
English/Irish Sign Language (ISL)

**Registration Fee (lunch not included)**  
€45.00





**LIMITED SPACES DUE TO CAPACITY RESTRICTIONS - BOOKING ON A STRICTLY FIRST COME, FIRST SERVED BASIS**

**@JUSTISIGNS**

**ABOUT YOUR TRAINERS**

The training programme will be delivered by Leonie O'Dowd, Head of Education and Training and Jane Baird, Education Executive of the Dublin Rape Crisis Centre Education and Training Department. DRCC develops and delivers tailored training programmes for those providing services and supports to people who have experienced childhood sexual abuse and sexual violence. DRCC has provided training programmes for ISL interpreters in the past, and has published a Handbook for community interpreters 'Interpreting in Situations of Sexual Violence and other Trauma'. Leonie has worked with DRCC for 16 years and is an accredited psychotherapist with specialist training in the treatment of trauma. Jane has worked with DRCC for 7 years. She is also an accredited psychotherapist, and has considerable experience of working and training in the area of disability.

**REGISTER AND BOOK YOUR PLACE: <http://justisignsdrcc.eventbrite.ie>**

 Lifelong Learning Programme
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  RCC
  Trinity College Dublin  
Coláiste na Tríonóide, Baile Átha Cliath  
The University of Dublin

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