

INTERPRETING IN FORENSIC SETTINGS

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OUTLINE

- Background and general context
- Forensic Settings – Jail – Hospital – other
- General interpreting
- Mental Health/Forensic interpreting
- Special issues – Aboriginal, Deaf plus, non-standard SL, cultural and linguistic minority
- Some cases –Nova Scotia (video) –Nunavut –Ontario
Interpreting challenges –Hearing and Deaf Interpreters
- Some solutions
- Some unresolved issues – need for research

Background

- Not an interpreter
- Not a forensic specialist
- Psychologist with specialty in deafness
- How I got into the forensic field – Roy case
–NS
- Cautions , controversies, theory, policy and pure speculation

Forensic Settings – Jail – Hospital – other

- Focus on Deaf people in prison/hospitals Federal or provincial
- Once in Jail – interpreters take on a **huge role**
- Intake process
- Initial assessments
- In the cell - on the ward
- Interpreter is usually the only deaf professional involved in the process
- Great pressure to be an informant – internal and external
- Mostly restricted to formal evaluations – not facilitating interaction with prison staff

Intake assessments

- Crucial stage – determines placement in Jail and programs -e.g., Anger management, depression, addictions
- This information stays with the client throughout – provides a baseline
- Heavy burden on the interpreter - need for extensive preliminary discussion – disclosure in advance of tests, tools, objectives etc.
- Sometimes done- sometimes not. If not, consequences can be dire. e.g., suicide watch y/n; isolation or general population; hearing aids, other assistive devices
- Often have to “prove” person is deaf to be qualify for special programs – inappropriate audiology?
- Sometimes they want to do “speech therapy”
- Does the interpreter “weigh in” on such missteps? How

General interpreting in forensic setting

- For conflict resolution –between inmates, between staff and Deaf inmate
- Progress reviews
- Medication consents
- Formal complaints by Deaf person
- Recreation, sports activities, social activities – rarely done
- Other situations requiring interpretation –family and friends visit- rarely done.
- Other situations requiring interpretation
- Issues and answers

Mental Health/Forensic interpreting

- Therapy sessions – individual and group
- Group difficult, if not impossible – dynamics
- Rehab. programs – work related, on the job, again mostly group programs
- Interpreter (s) usually declares inability to carry out interpretation – some exceptions. Depends on resources and whether staff are open to accommodations and compliance and understanding of Deaf person.
- Special issues with sexual offenders – programming can be explicit, emotionally draining and demanding. Gender issues for interpreters.

Mental Health/Forensic interpreting

- Issue of fitness to stand trial
- Common question for Deaf inmates –fitness often questioned.
- Again huge challenge for the interpreter
- Important role for DI - but not always the answer to challenging issues
- DI pressured to be informant

Special issues – Aboriginal, Deaf plus, non-standard SL, cultural and linguistic minorities

- Recent immigrants – no ASL but possible “native” language from home country
- “home sign” – much misunderstood
- Multiple disability, developmental disability – special challenges – interpreters need to call in appropriate professionals – officials not always receptive
- False positives and false negatives –equally disastrous for the client
- Interpreter caught in the middle – any way out?

Some cases –Nova Scotia –Nunavut –Ontario
(video)

- Some concrete examples to illustrate basic principles and unresolved issues
- Nova Scotia –sexual interference
(video)
- Ontario –murder; Deaf **victim**
Trinidad
- Nunavut – sexual assault, other charges

The strange case of Everett Roy

Video



Can't read write sign or
speak

Can he communicate?

Can he have a trial

A brutal murder: The case of Jean Pare

- Killed his wife and her new partner in their bed
- 20 years in a mental hospital
- Released into the community –remarried – no trial
- Declared unfit
- Deaf = mental disorder?
- Using the wrong sign language ALS vs. LSQ
- Psychiatry and psychiatrists
- Interpreter Team work -unique
- What happened



Dr. Jamie MacDougall is a psychologist with Montreal's McGill University who specializes in deafness. He first met Suwarak in 1999 when he was called to offer expert testimony on Suwarak ability to communicate during trial. While on the stand in this latest case, he said the same thing he said in 1999—that there is no way to know whether Suwarak's level of communication is sufficient for trial.

Hear No Evil

Deaf since childhood, Bobby Suwarak grew up in isolation, able to understand no known language. Now charged with a crime, he has presented Nunavut's court system with a problem. But the form of charades he uses to communicate is being used by deaf Inuit across the territory, leading one researcher to call for the court to recognize it too



Deaf victim from Trinidad learns ASL late in life

- Importance of the critical period hypothesis in language acquisition
- Early vs. late language learning
- “home sign” what is it?
- What it is not
- Home sign vs. language learned at home
- Sign language in Trinidad

Canadian Justice fails

- Recent deaf immigrant from an African country
- Never went to school
- Does he have a language?
- Does he belong in a jail – a mental hospital?
- How do we proceed in court?
- Interpreters?
- **5 years in Jail without a trial**

Interpreting challenges –Hearing and Deaf Interpreters

- Very restricted environment
- Few degrees of freedom
- Ethical challenges
- Role of Deaf Interpreters
- Non-standard sign languages –Quo Vadis?
- Multiple disabilities
- Who is qualified to interpret in forensic setting –
e.g. for fitness and mental health issues

Some solutions

- Where possible 2 interpreters and DI if indicated –resource issue
- When the jail books – tell them right then that there will be special requirements - discussion in advance – advance information for the interpreter
- Don't hesitate to ask for consult with professional qualified in deaf issues –i.e. linguistic issues, mental disorders, assessment etc.
- Don't "fill in" as you might in less demanding situations. Legal language and requirements make this difficult. Not the place for "creative" interpreting
- In most cases all of the above is probably **unrealistic**
- The result is that the situation in general is very unsatisfactory and the interpreters can do little by themselves to change it

Some unresolved issues – need for research

- Criminal Code needs to be revised to take into account communication issues in relation to mental disorder and fitness
- Interpreters need to work more closely with deafness professionals - deaf and hearing - in Forensic settings. Very difficult to do alone. Confidentiality and ethical boundaries make more general contributions difficult. Needs to be re-examined
- The DI model is a good start and can be built on to include other specialists – demonstrates the need for additional information
- Need to find a way to facilitate wider and deeper input from interpreters, while respecting confidentiality and boundaries.
- Creative partnerships need to be developed and sustained.

Need for research

- Need more demographic population based research and description of the **unacceptable** current situation for Deaf people in the forensic justice system
- Need to identify **unmet needs and gaps** and barriers to full equality of treatment in the justice system
- Need focussed research on the **special situation for interpreters** in the forensic system. Existing research and policies on a world-wide basis needs to be complied and summarized
- **Stronger formal partnerships** between professionals in deafness, agencies serving Deaf people, interpreters, the Deaf community and forensic institutions, needs to be established

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THANK YOU