



OREGON JUDICIAL DEPARTMENT  
Office of the State Court Administrator

August 1, 2016

MEMORANDUM

TO: CLAS Staff and Contract Interpreters  
FROM: Kelly Mills, Program Manager, Court Language Access Services  
Edward Alletto, Analyst, Court Language Access Services  
RE: Interpreting Services for Victims in Criminal & Delinquency Cases

House Bill 2339 was signed into law on May 26, 2015 and amends ORS 45.275. The bill requires the court to appoint an interpreter when it is necessary to interpret open court proceedings for a victim who seeks to exercise his or her rights to attend or participate in proceedings. These rights are granted by Article I, sections 42 and 43 of the Constitution.

**Access to justice considerations:**

- As a matter of law, it is for the court to decide when the victim can and cannot attend or participate in a proceeding.
- The interpreter will interpret the open court proceeding for the victim, unless otherwise instructed by the court.

**Interpreting considerations:**

- When interpreting for a victim to attend or participate in a proceeding, the interpreter should adhere to his or her duty under the *Code of Professional Responsibility for Interpreters in the Oregon Courts, (CPR)*.
- The interpreter should pay special attention to his or her duty to maintain confidentiality under Canon 6 of the *CPR* (e.g. appropriate use of equipment mute functions for privileged conversations).
- When interpreting the testimony of a victim, the interpreter should adhere to the *CPR* and best practices in the same way she or he would for any witness testimony.
- Out of court interpreting that is incidental to the proceeding should be very brief and not take place while the proceeding is in progress. Interpreting services will not be provided for investigation of the case, witness preparation, or victim advocacy.
- A crime victim's written statement to the judge does not fall under CLAS' *Non-English Written Evidence Interpretation Guidelines* and should be sight translated into the record by the court interpreter if requested.