



OREGON JUDICIAL DEPARTMENT  
Office of the State Court Administrator

**(SENT BY EMAIL)**

DATE: May 20, 2019  
TO: Oregon Court Interpreters  
FROM: Kelly Mills, Program Manager  
OJD Court Language Access Services  
RE: **Interpreting Recommendations for Services to Victims**

*Court Language Access Services (CLAS) advises that the court interpreter should interpret open court proceedings for limited English proficient (LEP) crime victims. While interpreting for victims, the interpreter must adhere to their duty under the Code of Professional Responsibility for Interpreters in the Oregon Courts (CPR).*

Per ORS 45.275(1)(b), CLAS provides interpreting services to victims who seek to exercise their right to attend or participate in court proceedings. Individuals are designated as victims by the prosecuting attorney or the court (ORS 147.500(13)).

**Access to justice considerations:**

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

**Interpreting considerations:**

- When interpreting for a victim who wishes to attend or participate in a proceeding, the interpreter should adhere to their duties under the *CPR*.
- The interpreter should pay special attention to their duty to:
  - Maintain confidentiality,
  - Report any impediment to providing interpreting services to the parties, victim or witnesses, and
  - Avoid the appearance of bias
- When interpreting the testimony of a victim, as with any testimony, the interpreter should adhere to the *CPR* and best practices to ensure the best possible interpretation for the record.
- Out-of-court interpreting for victims that is incidental to the proceeding should be very brief and not take place while the proceeding is in progress. OJD does not provide interpreting services for investigation of the case, witness preparation, or victim advocacy.
- A crime victim's written statement to the judge does not fall under OJD-CLAS' guidelines as described in the [Sight-Interpreting/Translating non-English Written Evidence](#) memo, and should be sight translated into the record by the court interpreter if requested.

## Interpreting for Crime Victims Guidelines – Addendum

### Tips for the Interpreting Team

In 2015, ORS 45.275 was amended to require the court to appoint an interpreter to interpret open court proceedings for a victim who seeks to exercise their rights to attend or participate in proceedings. These rights are granted by Article I, sections 42 and 43 of the Constitution of Oregon.

When CLAS assigns an interpreter or interpreters to a hearing to provide a single interpretation for both a defendant and a victim who speak the same language:

- The interpreter or interpreters should consider using simultaneous interpreting equipment to avoid the victim having to be in close proximity to the defendant.
- If two interpreters are assigned, it is intended that the parties receive one “shared” interpretation and not that the interpreters split up and both interpret at the same time.

When CLAS assigns enough interpreters to a hearing to allow the defendant to receive an interpretation of the proceeding that is separate from the interpretation provided to the victim while the victim is observing the proceeding:

- All of the assigned interpreters are members of the same interpreting team. The interpreting team should use their best judgement to decide which interpreter(s) will provide interpreting services to whom and how those services will be provided (e.g. the use of equipment, the positioning of the interpreters).
- If parties, victims or witnesses not noted on the interpreter confirmation are found to require interpretation, the interpreting team will provide appropriate services to all persons with need unless otherwise directed by the court.
- While the victim is observing the proceeding, one interpreter should not serve both the defendant and the victim simultaneously (i.e. no “shared” interpretation). When the observing victim receives a separate interpretation, it is possible that the interpretation will be somewhat different from the interpretation the defendant receives.
- If the victim is called to give testimony (as opposed to observing the proceeding), the interpreters should use their judgement to deploy themselves as would normally be the case for witness testimony and to ensure the best possible interpretation for the record.
- As with any court interpreting assignment, an interpreter who interprets for either the defendant or the victim must avoid any conduct that may give an appearance of bias or a conflict of interest.
- While it may appear to other people in the courtroom that there are “extra” interpreters available, all interpreters assigned by CLAS are only available to interpret the proceeding and are not to be used by the parties in other ways except as described in the OJD-CLAS guideline memo, [Interpreting Outside of Court or Off the Record](#).

When asked to sight-translate a crime victim’s written statement to the judge, interpreters can consider:

- Requesting time to review the written statement beforehand;
- Requesting permission to ask the victim clarifying questions about the written statement;
- Tactfully suggesting to the District Attorney, that the victim read their statement aloud to the court for interpretation (NOTE: It is for the victim to choose whether to offer a verbal or written statement).

Any time an interpreter is unable to provide effective interpreting services to an LEP victim, defendant or witness; the interpreter has a duty under the *CPR* to bring the issue to the attention of the court and the parties and to abide by the court’s instructions.