

- Amanda Blasko      Welcome to the NCJA Podcast. Listen to lively discussions with a variety of guests about promising criminal justice practices and programs worth taking a closer look at. Hear interesting ideas from around the country on a variety of important and timely topics and learn how you can adjust or adapt your Byrne JAG grant program for improved success. Thanks for joining us, we hope you enjoy.
- Demaxia Wray:      Hello, everyone, and welcome to another episode of the NCJA Podcast. Join me in today's episode as we explore the immense importance of language access and accessibility. I'm thrilled to introduce a true trailblazer in this field, Dr. Omara Rivera-Vázquez. Through the episode, she will share with us some invaluable insights and key takeaways that will inspire us all to embrace the power of language and accessibility.
- Dr. Omara River...:      Hello, everyone, and thank you Demaxia and NCJA for inviting me, I'm excited to be here. As you said, my name is Omara Rivera-Vázquez and I am from Puerto Rico, born and raised, and moved to Vermont about five years ago. In my five years in Vermont, one huge void has been the ability to communicate in my language, my native language Spanish. So, obviously, language access is an issue that I care deeply about, it impacts both my lived experiences and my professional experiences.
- I am currently the inaugural director for the Center for Equity and Justice at Saint Michael's College in Vermont and I know that language access is oftentimes left out when we talk about equity and inclusion so I continue to bring this issue to light and it is an integral part of the work that we do at the center. I started working in this position about six months ago so I'm very new and we are already in the beginning stages of developing a language access plan for the college. In addition, as you know, I serve on the National Criminal Justice Association Equity and Criminal Justice Founding Committee, that's a long title, where you've heard me talk, perhaps a lot, about the importance of meaningful language access. So, I'm happy, I'm excited to continue that conversation with you today.
- Demaxia Wray:      Dr. Omara, thank you for that beautiful introduction. The listeners won't be able to see me smiling from ear to ear but you can see me smiling. Such a beautiful introduction and it's such a pleasure to work alongside you and so let's get into the nitty-gritty. Language access and accessibility are increasingly at the forefront of agencies' minds particularly in the government space. Would you mind providing a brief overview of what the term language access refers to? Would you mind sharing how you became interested in language access?
- Dr. Omara River...:      Yeah. Simply put, language access refers to effective strategies that agencies or programs can take to engage and communicate with individuals

with language access needs, acknowledging that language is not a barrier. I'm going to repeat that, language is not a barrier. This is a very important issue to try and understand because, oftentimes, when we encounter multilingual individuals who speak or sign languages other than English, we automatically identify this as a problem. In our brains, we expect this individual or individuals to conform to us and speak English, a language that we understand and might feel more comfortable with.

In doing so, we perpetuate the supremacy of one language, in this case, English, but we know it applies to other languages like Spanish given the history of colonialism and this idea of one language being more important than others. So, we might not realize this but we are effectively disrespecting an individual's linguistic talents and assets. This is important to understand in any space but most urgently in governmental agencies because it is our responsibility, both ethically and legally, to ensure equitable language access.

And you asked me how I became interested in this topic and, other than my own experiences navigating life outside Puerto Rico and reflecting back, I became interested in this issue many years ago as a graduate student at Michigan State University where I was working with the Kin Keeper Project which was a cancer literacy and screening project looking at reducing disparities around Black, Latina and Arab women who had higher rates of breast and cervical cancer, they get diagnosed at later stages and have higher rates of mortality. So, we understood that, when making the preventative information available to these women, we needed to do it in their language so they had greater access.

I also did some work around the disproportionate contact of Latino youth in the juvenile justice system and, of course, one of the main findings included a nationwide lack of appropriate language access for both Latinx youth that are in contact with the juvenile justice system and their families. Fast-forward to my former job as the lead administrator for the Victims of Crime Assistance Grant at the Vermont Center for Crime Victim Services, I promptly realized that, to better serve victims of crime from underserved communities, we needed to look at language access. This became more urgent when the Office for Racial Equity in Vermont started creating awareness around multilingual individuals in the state who had the potential for re-victimization given the lack of meaningful language access in state government offices.

So, I have been raising this issue before but, at that time, that was the green light that I needed to fully immerse myself into this topic in the state of Vermont and I've been at it ever since.

Demaxia Wray: Thank you so much for that overview. I know you started your language access project when you were executive director of the Community Justice Center and have now transitioned to director of the Center for Equity and Justice at Saint Michael's College. Could you speak to the work you have done around equity and language access in both roles?

Dr. Omara River...: Yeah. So, you see, for most people, when they think about Vermont, about the state of Vermont, there is this idea of the state not being very diverse and there is some truth to that. If you look at the official statistics, you'll see that reality. However, Vermont has some geographical areas in which we see more than 30 plus languages spoken in any given day, so Vermont has a rich language diversity. The main issue here has been breaking down that invisibility that often sets underserved communities further away from access to the services they are entitled to.

So, with this in mind, when I was hired as the executive director for the Community Restorative Justice Center as a non-profit organization located in St. Johnsbury, I apply for a grant through the Vermont Health Department and this funding has allowed me to put together resources, training and technical assistance needed to support restorative justice organizations around the state. And some of the objectives of the work that I've been doing around the state with restorative justice organizations include learning about best practices to provide meaningful language access, developing a better understanding of language access requirements and how agencies can improve their practices.

We talk about Title VI of the Civil Rights Act, we talk about the Executive Order 13166 on improving access to services for persons with limited English proficiency and Title II of the American Disabilities Act. Many individuals do not know that language access is a mandate and that any agency that receives federal funding needs to comply with this. So, we look at identifying the main elements for a language access plan, mapping the services to inform the plan and brainstorming ways to create allies in your counties, in your geographical areas. We also look at identifying American Sign Language as a language. Oftentimes, when you talk about language access, people zoom into the spoken word and forget that American Sign Language is a language and that we need to pay attention as well. And we look at ways to integrate language justice in language access but I'll talk some more about that in a few minutes.

So, when I started this project, most restorative justice programs around the state were still under the assumption that they didn't have to create a language access plan because they so-called did not have any cases. So, going back to that invisibility issue I mentioned before, they had one case in the last two years or they didn't have any one in the last year. So, I started

coming at it from a place of curiosity. So, if you are, if your agency, if your program has not, in fact, served any multilingual individuals, the question is why, right? Why? Let's figure it out. Do they know about your services? Do they know you can provide free language access services? Is your information, are your materials accessible to them in their preferred languages? How do you do the outreach to multilingual communities in your service area or do you even do any outreach to them?

So, it is that lack of awareness and understanding that has been the main challenge. Even if, in fact, you are serving that one person, you must ensure equitable language access, it is your responsibility and that is not likely to happen if your agency, you or your staff do not know how to proceed. So, we talked about these issues and create awareness and then we dive into how do we take action. It is important to create awareness, yes, but it's also important to provide individuals and programs with the tools that they need to right these wrongs. And one of those ways, not the only way, but the way I chosen to move around is to create a language access plan, it is an effective way.

So, that's the main goal of the work I've been doing and, thus far, I've delivered around 19 workshops in the state of Vermont during the last year. The funding allows for restorative justice programs throughout the state to receive the training and support but partner organizations and other stakeholders have been reaching out for the training as well as agencies from neighboring states. So, that's good. And after the workshop, I leave the agencies with some materials, resources and, of course, homework. And the idea is that they will begin taking the steps towards developing a language access plan and I provide technical assistance as needed during that process.

Some centers, and I'm proud to report, have already drafted their plans, others are in the data gathering stages to inform the plan. The training overall has been well received and results from pre and post-tests show that the majority of the participants are able to identify those main components of a language access plan, that they understand language access needs and how to improve the practices in their programs and they understand how language access fits into this greater goal of social justice. So, that's where we at with that project. I'll say it's important to understand that language access is not an issue that is specific to victim services or restorative justice in this case, because that's the project that I've been carrying out, this is a multi-systemic issue that impacts all aspects of an individual's life.

So, now, in my current position as the director of the Center for Equity and Justice at Saint Michael's College, I've continued to consult around language access in the state of Vermont but also through the VOCA Center,

one of your partners there, Demaxia, around language access, looking at VOCA assistant state administrators and helping and assisting them in creating those. So, as I mentioned, I'm leading the development of the language access plan here, zooming into the specific needs of our multilingual students, a population that, often, we forget about and providing the supports that they need to succeed in higher education. And that's where I'm at.

Demaxia Wray:

Dr. Omara, I just love the fact that you give them homework, I think that's the professor in you. But I must say, just your ability to go out and teach across multi-systems, as you said, this is a systemic issue. This is something that not just victim services, not just SAAs, but really all systems should be implementing. I really like how you honed in on the fact that this is a mandate. So, by limiting and not having this access to the resources, you're really missing out on a large population and just a big service area and so thank you. Would you mind outlining the process of creating a language access plan from the required intentional pre-work to having an actual plan? What does that look like?

Dr. Omara River...:

Yeah. I will advise that, before anyone tries to develop a language access plan, that they make sure that they align the work with their mission and vision, their agencies' or programs' mission and vision so there is more buy into from any stakeholders or the powers that be in your organization or your state because it's coming from that alignment. Another important consideration that I emphasize when working with agencies is looking at language access within a language justice framework, and I mentioned this before, and that is making sure that we're respecting every individual's fundamental language rights to be able to communicate, understand and be understood in the language which we prefer and feel most articulate and powerful in. It is about upholding and respecting that right.

So, if you work around this framework, you'll see a fundamental shift from just emphasizing translating forms which is often what individuals in government agencies think about when you mentioned language access, "Oh, we got to translate forms," to a true commitment to ensuring that individuals who have been historically marginalized based on their national origin, ethnic identification and language are not denied equal access to services and justice overall. So, it is a cultural shift. To do that, I think we need to get rid of that notion of the supremacy of one language. Basically, this idea that you are in America, and many multilingual individuals have heard this being told to them in different settings, "You're in America, thus, you must speak English," and recognize that language has been historically used as a tool for oppression. Rather, we want to emphasize that language is an important part of exercising our autonomy.

If you think about this, you'll see that most individuals who have language access needs are racially or ethnically diverse so, when we adopt this framework, we're applying an equity approach that will serve us well, advancing social and racial justice in a more intersectional way. And I think your other question was about resources. Of course, if you're a federally funded agency or program, you want to look at the DOJ's guidance and you want to look at your respective funders' guidance around language access, you start there. In addition, and I got to give kudos to the Office of Racial Equity here in Vermont, they have produced a very detailed language access report that can be of guidance for any state agency around the nation and you might want to look at the American Bar Association as a resource around the language justice framework that I've been speaking about.

Demaxia Wray: Thank you. And what are some key elements that should be included as part of the language access plan?

Dr. Omara River...: So, a solid first step is looking at available data. What are your service area demographics? What are the languages spoken in your area, the top five, the top 10? Also, understanding that there are often huge limitations to any official data sources. The American Community Survey, for example, it undercounts the number of households where people speak Spanish or indigenous language of Latin America and are undocumented. So, you want to use other data sources and that might be data that you already have, look at that. So, you want to look at the number of people with language access needs that you currently serve and determine which language are more or most common among your clients. You can include surveying those who visit your website and use any of your materials, you can conduct community outreach to determine needs and identifying languages spoken or signed. Remember to always include sign languages as well, don't leave them out, I'll keep pinpointing at that.

So, data gathering and, if you're able to complete a needs assessment, that will be an even better first step but also you'll quickly find out that this is not work that you do in isolation, you need to identify partners and collaborators to strengthen capacity and increase awareness. Culturally specific service providers should be your first go-to and any other community partners that provide language access services, they are key. You want to bring them in early in the planning process not at the end to impose your plan on them. They need to be equal partners in this work and also compensated for any work, this is not free labor. You want to identify who'll be responsible for implementing the different elements of the language access plan within your agency and identify what are the vital documents that will need to be translated.

Describe the process and timeline from implementation and what performance, how we're going to measure the effectiveness and the success of language access services. You want to address any barriers that you encounter when implementing the language access services. One significant barrier that is often mentioned, if not, the top one and is a valid issue is budgetary constraints. And to this I'll say you need to keep in mind that, regardless of your budget size, we need to consider how to provide access to language services not whether you will provide. The obligations under Title VI and DOJ's regulations apply broadly to any program or activity that receives federal funding either directly or indirectly through a contract or a subcontract and without regard to the amount of funds received.

So, I have been recommending that agencies include language services, translation, interpretation, including sign language in their budgets going forward as this is often a missing piece. If you are to prioritize equitable access, it needs to show in your budget. You can't say that, as an agency or a program, you are committed to equity and inclusion and you're not putting any money towards increasing access. So, this is one way of really showing that commitment.

Demaxia Wray: Thank you so much for that, Dr. Omara. I do want to draw a distinction with a potentially more well-known document. Many federal grants require a limited English proficiency or better known as LEP plan so many state administering agencies already have one of those. Would you mind talking about how language access plans are fundamentally different from LEPs?

Dr. Omara River...: Yeah. So, this is an interesting question, Demaxia, and, in theory, these are the same, the goal is the same, it's to provide individuals with communication access needs with equitable, meaningful access to programs and services. However, what happens is that administrators have this tendency to plan around the translation of forms and data dumping, really, without taking into consideration how to truly provide meaningful access. So, that is language assistance that results in accurate, timely and effective communication at no cost to the individual that's accessing those services. In other words, that should be access to services that is not significantly restricted, delayed or inferior when you compare that to programs or activities provided to English-speaking individuals.

For the most part, agencies look at this as a problem rather than a responsibility and that shows in the way they interact with multilingual individuals, they're seen as a problem to solve because they speak another language. In reality, this individual or individuals are presenting assets that they can speak multiple languages and, if we want to better assist them, we empower them by allowing them to communicate in the language they feel more comfortable in. So, you can look at the actual terminology that we're

using to describe individuals with language access needs and changing that. Just look at the federal government and any guidance derived from our federal and state partners include this LEP or limited English proficiency terminology. We want to move away from that and use other terms like the ones I've been using throughout our talk, multilingual communities or individuals, individuals with communication access needs or people who speak or sign languages other than English.

So, shifting paradigms in language access and doing so with intentionality, in my view, can create an immense difference in your approach and planning for language access services.

Demaxia Wray: Thank you for that, Dr. Omara. And I think it's very important to just highlight the importance of, which we talk about all the time in our equity committee, but just person-centered language and trauma-centered language, moving away from those terms that really do know justice to the people that you're serving. I know you review the language access plans as part of the training and technical assistance you and the center provide, are there any lessons learned you might be able to share that may help states just beginning this process?

Dr. Omara River...: Yeah. The first lesson, I think, is understanding the why. Why are you doing this? Is it to strengthen your commitment to equity and inclusion and to ultimately increase access to services or is it just to satisfy a checkbox on your grant deliverables and how does your plan align to the vision and mission of your agency? I lived in the grant administration world for some time and I noticed administrators like their plans, they're a source of pride, a pretty document, so to speak. But what happens with those pretty documents is, oftentimes, they get filed away. This is a document that's not intended to be filed away, this is a living document and you will continue to hone, revise and update it. You'll continue to address, you'll continue to implement and evaluate the plan, this is a constant process. You want to at least revise, revisit, assess and update your data every year.

You also want to make sure that you have a point of contact. You have to identify a point of contact for language access within your agency or program, also, a person will be responsible for addressing any complaints. No plan is ever perfect so you want to make sure that the individuals that are using this services know that there is a process for them to provide feedback and you're creating accessible venues for them to file any complaints if and when the system is not working.

Lastly, I think it's important to train your staff or your subgrantees, if you're a state administrator, about the plan. Every staff member that will have direct contact with multilingual individuals must be trained, this should be an



integral part of their onboarding and a yearly professional development activity. If you are a state administrator, then you want to make sure you have clear guidance available for your subgrantees and that training is available to them as well. Training is important and it's effective. More importantly, I'll say a good training can help you avoid unlawful language discrimination and it's ugly repercussions.

Demaxia Wray:

Dr. Omara, this has to be one of the first podcast recordings where I'm listening to you and I'm taking notes because we have these discussions all the time but you continue to drop so much gems, thank you so much. I want to briefly talk about translation services especially because most people, when they talk about language access, their minds immediately go to translating key documents and web pages for speakers of other languages, sometimes relying on Google Translate to do so. How does this factor into language access and language justice?

Dr. Omara River...:

Technology is here to help us, yes, that's the good part, however, as I mentioned before, just translating documents is not a language access plan. Even if your last or your only resort at the moment is to use these translation platforms, you want to make sure to let individuals know that these materials or documents have been translated using these platforms and, therefore, there might be errors. In addition, there is a need to understand that these services often lack accuracy depending on context. The document needs to be converted into a plain language version before it goes out for translation. There is specific guidance for plain language by visiting [www.plainlanguage.gov](http://www.plainlanguage.gov), some basic guidelines include writing for the average reader, omitting excess words, using familiar words and using active voice and using short sentences with the simplest tense possible.

You want to also consider different literacy levels as well and factor in people that might need assistance completing the forms or understanding documents even if they are in their preferred language. Oftentimes, I hear the issue is, throughout Vermont, that native English speakers are not able to understand forms and language that is included in such forms, that's true for courts, police departments, et cetera. So, converting documents into plain language levels the fields for everyone, native English speakers and multilingual individuals, thus, increasing access to services and information for everyone that's accessing them.

And lastly, I'll say the best practice is to have certified interpreters on site but, when not available, we have telephonic language lines and other video interpretation services. And sometimes states already have contracts with those that you want to make sure that you know what your state funder or your funder if those services are already contracted for.

Demaxia Wray: Dr. Omara, you just ... I'm just smiling, I have two pages of notes right here. From working one-on-one with a wide variety of agencies on language access plans, have any common challenges come up whether that's getting stakeholders on board, maintaining interest in progress, navigating administrative and leadership changes or so forth? How have you helped agencies navigate through these challenges?

Dr. Omara River...: That's a great question. When I got the funding to do language access work in Vermont, I proposed putting together an advisory committee including community stakeholders and including individuals with live experiences. And when I first pitched the idea of working around the issue of helping agencies to develop language access plan, there was this pushback from community members. Their first critique or their main critique was that a whole bunch of agencies have plans and they serve no purpose, it had to start with addressing equity. We don't need no more plans, we need action and, from there on, I knew what my next step was a call for action.

So, in the training, I do bring the voices, the stories and the concerns to participants and emphasize the collaborative aspect of this work. We need to aim for transformative collaborations that don't further alienate or exploit underserved communities and that lead to concrete action, no more lip service. And I'll say, you need to bring your patience to this work but also you need to bring intentionality and transparency. At the onset, it's hard. I remember calling a colleague at the Asian Pacific Institute on Gender Based Violence, Cannon Han, he's a national expert in language access and, whenever I get stuck, I call Cannon. And I expressed to Cannon how frustrated I was because I was close to month two of the grant and people were not buying into it as far as the leadership team participation, I was so down.

And he said, "Omara, just start with the one or two people you have now, trust that it will happen," and so it did. I was able to form the leadership team, and a very committed team for that matter, and then, from there, the project just took off. So, do not fret about what you don't have, work from what you do have and build from there. I'll ask everyone and, to me, this is very close to home, reflect on your language privilege and how that impacts everyday service provision, interactions and procedures. You want to make sure that you understand and I think I mentioned this earlier that language access is a multi-systemic equity issue and we need to look at it from many different perspective, in the educational system, in the criminal justice system, in the health system and in our day-to-day lives.

So, you want to do that outreach to communities, to other governmental agencies doing the work, culturally specific organizations, never alone, you need partnership. You want to build those coalitions and networks with your

community members and other entities that are already providing language access services. I will also advocate for standardized asks about preferred language when collecting demographic information from clients and community members so that community government organizations can use this data to provide tailored translations by employing community champions to understand both linguistic and cultural nuances rather than just relying on online platforms that are often inaccurate.

When I leave the workshops and the trainings and I leave them with homework, I tell them one of the first steps is probably to establish a language access working group in their program or their organization. You want that small, tight group that is going to make it happen, it's going to back you up and help you move through this. And you want to make sure that multilingual communities know what you do and what services you can provide for them. When we started working around restorative justice in Vermont, a big question was what is restorative justice. So, we partner with the Language Justice Project in Vermont and produced a video that has been interpreted in the top 15 languages spoken in the state and includes American Sign Language. And what that video does is educates communities about what restorative justice is and it also makes individuals aware that language access services, that interpretation is available to them free of charge.

You want to build coalitions and networks with your community members and other entities, I think I mentioned that. And lastly, I will ask us, all of us to not fall into what we call the invisibility pitfall, always advocate for more and better language access services in your agencies and programs. Don't just dwell on the number of people you are not seeing in your programs or you are seeing in your programs, depending on the case. Numbers are important indeed and we all know that numbers drive funding, we know that but so are stories and we need to make our stories heard and validated.

Demaxia Wray:

Dr. Omara, before we even wrap up, these gems that you have dropped, we have been working for months behind the scenes as a committee to prepare so many different guidance documents around equity and we've found it so important to focus specifically on language access. We had the privilege when we convened earlier in the year around February to hear you present on this and still I've had, from this conversation that we had, two more pages of notes on just more and more information because, like you said, the work doesn't end and there's always more work to be done and there's always more knowledge to be spread.

I thank you so much for being on this podcast episode. This has been a fascinating and long overdue discussion and I know the SAAs will find this extremely useful and actionable. In addition, this podcast will be paired with

our guidance document on language access that will be given out from the NCJA's Equity Committee. I don't know how you remembered that long title, because I sure didn't and I would've been winded, but we are so excited to release this episode in addition with that guidance because it's something that states, SAAs, CBOs, whoever, really, really, really, really could learn from and find so much value. And so, I thank you once again for your time, your expertise and all you do in the equity work and beyond.

Dr. Omara River...: Thank you, Demaxia. And anyone that would like to connect can feel free to reach out to me at Saint Michael's College Center for Equity and Justice.