



Language Access Problems Among DOJ's Law Enforcement Grantees

DOJ has made it clear that LEP individuals who dial 911 should have access to communication in their primary language, and officers who are dispatched in response should be aware of language needs and able to respond effectively.¹ The use of bilingual officers in these situations is strongly encouraged, and the use of bystanders, friends, and family to interpret strongly discouraged.² Furthermore, intake procedures should be conducted in an LEP person's primary language, and LEP persons should be able to effectively convey health and safety issues important for police and corrections officers to know.³

Some law enforcement agencies are making great strides toward fulfilling their language access obligations under Title VI.⁴ However, many others still fail to provide language access to victims of and witnesses to domestic violence and other crimes.

Search for toddler was hampered by inability to interview witnesses

In winter 2008, the Detroit Police Department's search for a two-year-old girl was stymied by difficulty communicating with the Bangladeshi immigrants in the girl's community.⁵ One officer reported that often the only people the police are able to interview are children, because they are the only ones who speak English.⁶

Murder investigation frustrated by shortage of Spanish interpreters

In 2009, the Cleveland Police Department had difficulty conducting a murder investigation in a mostly Spanish-speaking community.⁷ Apparently, the department has only two bilingual police officers and a professional interpreter whom they bring in "for bigger cases" – a category not including that particular murder case.⁸

Korean man spent four days in jail because police could not communicate with him

The Washington D.C. Office of Human Rights found the Metropolitan Police Department in violation of the D.C. Language Access Act when a Korean man was arrested and detained for four days before an interpreter was provided for him. When he was finally able to communicate with the police, they discovered that he was not the person they had sought.⁹

Frequently, victims of domestic violence are charged with domestic violence, and abusers go free, because of the victims' inability to communicate with law enforcement.

Aarti was arrested and placed in immigration detention after trying to report domestic violence

For several years, Aarti had been physically and sexually abused by John, who was the father of her child. During one incident, John pushed Aarti against the wall and beat her repeatedly. At one point, Aarti scratched John's face to prevent him from slamming the door on her hand. Aarti, who lived in North Carolina, then called the police. When the police arrived, they tried to communicate with Aarti without an interpreter, even though Aarti does not speak English. Because they could not understand what Aarti was saying, they arrested her instead of John. As a result of Aarti's arrest, DHS learned of Aarti's immigration status and placed her in immigration detention, while her child remained in John's custody.¹⁰

A California woman had difficulty obtaining a special visa for crime victims, and her abuser went free

In California, a local sheriff's office had difficulty communicating with an LEP victim of domestic violence who reported the crime. Although the sheriff's office receives federal funding, it did not use an interpreter to communicate with the victim and did not follow up or investigate the incident she reported. Later, when the victim requested that the sheriff's office verify that she reported the crime to law enforcement for a special visa for crime victims, the sheriff's office refused because they did not find the victim helpful because she was LEP.¹¹ Without this verification, she cannot prove her eligibility for the visa.

Mia was forced into a psychiatric hospital and her abuser went free

Mia called 911 after an abusive domestic violence incident. She had very limited English-speaking capacity and the police did not provide interpretation. She became agitated because she could partially understand that her English-speaking abuser was lying to the police officer. The police officer left. After another abusive incident, Mia called 911 again. This time, her abuser's friend interpreted for Mia and told the police that she had threatened suicide. The police officer placed her on a 72 hour involuntary psychiatric hold. Once Mia had access to an interpreter at the hospital, she was released; her abuser was never arrested.¹²

What DOJ Should Do

DOJ should require that all law enforcement applications for DOJ funding, and all reports on the use of DOJ funding, detail steps they are taking to provide language access. The information that should be provided to DOJ should include, at a minimum, whether the applicant or recipient has a language access plan or policy, any steps taken to implement that plan or policy, and any complaints about language access that the applicant or recipient has received in the past twelve months.

¹ DOJ, “Sample for Discussion Purposes Planning Tool: Considerations for Creation of a Language Assistance Policy and Implementation Plan for Addressing Limited English Proficiency in a Law Enforcement Agency,” available at http://www.usdoj.gov/crt/lep/Law_Enforcement_Planning_Tool.htm; 67 Fed. Reg. at 41468.

² *Id.*

³ *Id.*

⁴ Useful language access tools for law enforcement developed by or with financial support from DOJ include: DOJ, Sample for Discussion Purposes Planning Tool: Considerations for Creation of a Language Assistance Policy and Implementation Plan for Addressing Limited English Proficiency in a Law Enforcement Agency, available at http://www.justice.gov/crt/lep/Law_Enforcement_Planning_Tool.htm; Susan Shah et al., *Overcoming Language Barriers: Solutions for Law Enforcement* (Vera Institute for Justice 2008), available at http://www.cops.usdoj.gov/files/ric/Publications/vera_translating_justice_final.pdf; Barathai A. Venkatraman, *Lost in Translation: Limited English Proficient Populations and the Police*, The Police Chief (April 2006), available at http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=861&issue_id=42006.

⁵ George Hunter, *Cultural Barriers Stall Search for Girl*, THE DETROIT NEWS, Dec. 26, 2008, available at <http://www.detroitnews.com/apps/pbcs.dll/article?AID=/20081226/METRO/812260367/1410/METRO01>. For examples of federal funding received by the Detroit Police Department, see John E. Ott (ed.), *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation (Dec. 2008), available at <http://www.fbi.gov/publications/leb/2008/december2008/december08leb.htm>; Review of the Office of Justice Programs' Paul Coverdell Forensic Science Improvement Grants Programs, U.S. Department of Justice, Office of the Inspector General, Evaluation and Inspections Division (Jan. 2008), available at <http://www.usdoj.gov/oig/reports/OJP/e0801/final.pdf>

⁶ George Hunter, *Cultural Barriers Stall Search for Girl*, *supra*.

⁷ Will Carr, *Language Barrier Poses Hurdle in Murder Investigation*, Channel 9 News (Jan. 26, 2009), available at <http://www.newschannel9.com/news/police-975133-cleveland-department.html>. For examples of federal funding received by the Cleveland Police Department, see Rep. Marcia L. Fudge, *Eleventh Congressional District Is Awarded \$14.8 Million in Cops Funding* (Aug. 9 2009), available at <http://marcialfudge.com/2009/08/eleventh-congressional-district-is-awarded-148-million-in-cops-funding/> and Ida Lieszkovszky, *Cleveland Police Get Nearly \$12M in Federal Funding*, WCPN News (Jul. 28, 2009), available at <http://www.wcpn.org/WCPN/news/27263/>.

⁸ Carr, *Language Barrier Poses Hurdle in Murder Investigation*, *supra*.

⁹ Kathryn Alfisi, *Language Barriers to Justice*, WASHINGTON LAWYER (Apr. 2009), available at http://www.dcbbar.org/for_lawyers/resources/publications/washington_lawyer/April_2009/language_barriers.cfm.

¹⁰ E-mail from Sameera Hafiz, Legal Momentum (Jan. 7, 2010).

¹¹ *Id.*

¹² *Id.*