



U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Ave, NW
Washington, DC 20530

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Dear Law Enforcement Colleagues:

In order to effectively protect and serve communities and carry out their vitally important mission, law enforcement agencies (LEAs) must be able to communicate in an accurate and timely manner with all members of the public, regardless of language spoken. Every day, law enforcement personnel across the country interview witnesses, victims, and subjects; communicate vital information to the communities they serve; and maintain phone lines and websites to facilitate the flow of information. Yet all too often, individuals with limited English proficiency (LEP), those who have a limited ability to speak, read, write, or understand the English language, face greater hurdles when seeking the protection of or communicating with state and local LEAs.¹

Overcoming language barriers within a law enforcement agency is critical for three key reasons. First, accurate and timely communication protects officers and the public. When threats or other vital information are misunderstood, lives may be unnecessarily put at risk. Tragic consequences have resulted from officers' inability to communicate in an accurate and timely manner with perpetrators, victims, or witnesses with LEP.² Second, use of translation, interpretation, and other language assistance services promotes community trust and inclusion by sending a message that LEAs strive to equitably serve the whole community, irrespective of language barriers. Finally, accurate and timely language assistance also helps to ensure the reliability of witness accounts and other evidence. Collecting reliable evidence is at the very heart of the law enforcement mission and critical to achieving justice in the courtroom.

Many LEAs receive federal financial assistance, mostly in the form of federal grant funding. A condition of that assistance is compliance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq. (Title VI), a law that prohibits national origin discrimination by recipients. Although the award or grant of money is the clearest example of federal financial assistance, an LEA's use or rental of federal property or land at below market value, federal training, a loan of federal personnel, and federal subsidies also subject an LEA to the language access requirements of Title VI.³ Many LEAs also receive federal financial

¹ See, e.g., Bharathi A. Venkatraman, *Lost in Translation: Limited English Proficient Populations and the Police*, The Police Chief (2006), <https://perma.cc/R6H5-TDY3>.

² See Chris Boyette & Maria Santana, *A Woman's Plea in her Native Language Goes Untranslated, Three Lives are Lost*, CNN.COM (Feb. 20, 2014), <https://perma.cc/4P3L-ECDD>; Leila Miller, *Nine Years After Guatemalan Man's Shooting, LAPD Officers Get Help to Identify Indigenous Languages*, L.A. Times (Dec. 12, 2019), <https://perma.cc/PNM4-8XNL>. See also *United States v. Botello-Rosales*, 728 F.3d 865, 867 (9th Cir. 2013) (finding Spanish-language advisory by an officer was incorrect); *United States v. Angeles-Guzman*, 683 F. Supp. 2d 397, 400–01 (E.D.N.C. 2010) (using a suspect's girlfriend as an interpreter was inadequate to communicate *Miranda* rights).

³ 42 U.S.C. §§ 2000d to 2000d-7; 28 C.F.R. § 42.101-app. A (2023) (Title VI regulations).

assistance that is subject to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 34 U.S.C. § 10228(c) (Safe Streets Act), which also prohibits national origin discrimination.⁴ Failing to provide language assistance can be a form of national origin discrimination, since the Supreme Court has long recognized that language and national origin are intrinsically linked.⁵

Through the Civil Rights Division's longstanding work enforcing Title VI and the Safe Streets Act, we have seen what can happen when language barriers prevent accurate communication between law enforcement and the communities they serve. We have seen that a failure to provide such meaningful access can chill reporting of crimes, leave victims and witnesses with LEP vulnerable to flawed investigations and even wrongful arrest, and threaten the safety of officers and the general public alike.⁶ Without sufficient plans, procedures, and trainings in place to respond to the needs of community members with LEP, LEAs struggle with a range of issues, including:

- identifying whether a person is limited English proficient;
- proceeding in English during interactions with individuals who have LEP;
- improperly crediting English-speaking witness accounts over those of individuals with LEP;
- relying on unqualified staff, bystanders, family members, or automated/electronic applications for language assistance; and/or
- providing important documents such as citations only in English.

Our expansive work in this area has made clear that given the considerable differences in sizes, demographics, and resources among the over 18,000 LEAs in this country, there is no one-size-fits-all approach to addressing language needs and challenges. Yet, our work has also revealed that there are certain best practices that promote more seamless communication with people who are limited English proficient. For example, in Denver, Colorado, the Division and the U.S. Attorney's Office worked hand-in-hand with the Denver Police Department to develop a Memorandum of Agreement and Language Access Policy that will better serve communities that are limited English proficient.⁷ In Denver, the police department has agreed to develop, provide, and institutionalize language access training during in-service sessions, at the police academy, and in the field. The Denver Police Department also ensures the quality and accuracy of its communication with individuals with LEP by testing the language proficiency of bilingual officers before designating them as qualified to use their language skills on the job and granting

⁴ Safe Streets Act, 34 U.S.C. § 10228(c)(1); 28 C.F.R. § 42.201-app. A (Safe Streets Act regulations).

⁵ The Supreme Court tied language to national origin when it held that failing to take reasonable steps to ensure meaningful access for persons with LEP is a form of national origin discrimination prohibited by Title VI regulations. *See Lau v. Nichols*, 414 U.S. 563 (1974).

⁶ *See, e.g.*, Statement of Interest of the United States at 2-3, *Padilla v. City of New York*, No. 1:13-cv-00076 (E.D.N.Y. Nov. 22, 2013),

https://www.justice.gov/sites/default/files/crt/legacy/2013/12/02/112213_SOI_Padilla_v_New_York_EDNY.pdf.

For a comprehensive overview of the Department's Title VI enforcement activity related to language access, see the law enforcement page of the federal interagency website, LEP.gov, at <https://www.lep.gov/law-enforcement>.

⁷ *See* Memorandum of Agreement Between the United States of America and the City and County of Denver and the Denver Police Department (Dec. 19, 2022), <https://www.justice.gov/opa/press-release/file/1558796/download>; Denver Police Department Language Access Services for Limited English Proficient (LEP) Persons (Dec. 19, 2022), <https://www.justice.gov/opa/press-release/file/1558801/download>.

them compensation for this task. Indeed there are steps that most, if not all, LEAs can take to ensure accurate and timely communication with individuals with LEP, including:

- appointing a qualified Language Access Coordinator and/or points of contact in each precinct to serve as a hub for language access questions, guidance, resources, training, innovation, and solutions;
- ensuring that there are detailed and comprehensive policies and procedures in place that provide personnel with guidance and direction on how to identify whether a member of the public is limited English proficient and how to locate appropriate language assistance options and that personnel can easily access;
- avoiding the use of unqualified sources of language assistance, such as children, family, friends, or unqualified staff;
- avoiding the use of biased sources of language assistance, such as the alleged suspect;
- obtaining appropriate translations of vital written documents and information;
- engaging in regular and substantive communications with relevant community stakeholders to obtain input and feedback;
- developing and implementing robust and meaningful complaint procedures and processes; and
- providing effective, regular, interactive training on language access policies, procedures, best practices, case examples, resources, and other information tailored to individual categories of employees, including existing staff, new recruits, and bilingual employees.

To be clear, the obligations under Title VI and the Safe Streets Act are not the only federal civil rights protections applicable to interactions with individuals who need language assistance. For example, many people who are deaf or hard of hearing communicate using American Sign Language (ASL), a language that is separate and distinct from English, and LEAs must be able to communicate effectively with them.⁸ LEAs' obligations to provide effective communication to deaf and hard of hearing individuals are governed by Title II of the Americans with Disabilities Act (ADA), and LEAs must ensure compliance with that requirement as well.⁹

⁸ Without effective communication, deaf and hard of hearing people face risks of significant harms through law enforcement interactions. *See, e.g.,* Corky Siemaszko, *Colorado case shows police aren't trained to interact with the deaf community*, NBC News (Sept. 30, 2021), <https://perma.cc/CJ6N-C4F4>; DOJ: *Vancouver police to improve services for deaf people*, Associated Press (May 25, 2022), <https://perma.cc/LT5Z-8AJ6>.

⁹ Title II prohibits state and local government entities, including LEAs, from discriminating based on disability in their programs, services, and activities. 42 U.S.C. § 12132; 28 C.F.R. § 35. LEAs must provide people with disabilities an equal opportunity to participate in or benefit from an aid, benefit, or service, make reasonable modifications to avoid discrimination based on disability, and take appropriate steps to ensure that communications with people with disabilities are as effective as communications with others. 28 C.F.R. §§ 35.130(b)(1), (b)(7), 35.160(a)(1). Similarly, Section 504 of the Rehabilitation Act of 1974 prohibits recipients of federal financial assistance from discriminating solely by reason of disability in their programs and activities. 29 U.S.C. § 794. For further guidance, see U.S. Dep't of Justice, Civil Rights Division, *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers* (updated Feb. 25, 2020), <https://www.ada.gov/resources/law-enforcement-guide/#:~:text=Law%20enforcement%20agencies%20must%20provide,law%20enforcement%20services%20being%20provided>; U.S. Dep't of Justice, Civil Rights Division, *ADA Requirements: Effective Communication* (updated

To support LEAs, as well as communities that are limited English proficient, the Department of Justice launched the Law Enforcement Language Access Initiative in December 2022.¹⁰ This initiative draws on the Civil Rights Division's considerable experience working closely with LEAs to implement practical strategies to overcome language barriers. Through the Initiative, the Civil Rights Division is promoting regional collaborations between LEAs, U.S. Attorney's Offices, and other stakeholders to adapt the latest experience-based approaches to their own needs, as well as to develop, package, and amplify additional ideas and solutions that emerge from these partnerships. Public-facing resources that result from this effort will be regularly updated and posted at <https://www.lep.gov/law-enforcement>, where our recent settlements and other law enforcement resources are also housed.

We encourage you to review the resources that will be posted, reach out to colleagues to discuss language access policies and procedures, solicit input from the communities that you serve, and adapt the sample language access principles to your own agency. DOJ will continue to review LEAs for compliance with Title VI, the Safe Streets Act, and other federal civil rights obligations and investigate complaints. The Civil Rights Division also welcomes hearing directly from LEAs and other stakeholders, including requests for technical assistance from LEAs such as providing training curricula and reviewing draft language access and effective communication policies or procedures.

Please feel free to reach out to the Civil Rights Division's Federal Coordination and Compliance Section at LEALanguageAccess@usdoj.gov or (202) 307-2222 to learn more about the Law Enforcement Language Access Initiative.

Sincerely,



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Feb. 28, 2020), <https://www.ada.gov/resources/effective-communication/>; U.S. Dep't of Justice, Civil Rights Division, *Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement* (updated Feb. 28, 2020), <https://www.ada.gov/resources/commonly-asked-questions-law-enforcement/>. For more information about effective communication requirements under the American with Disabilities Act and Section 504 of the Rehabilitation Act of 1974 for individuals who are deaf or hard of hearing, please contact the ADA Information Line at 800-514-0301 (voice) or 1-833-610-1264 (TTY).

¹⁰ Press Release, Justice Department Announces New Language Access Law Enforcement Initiative (Dec. 19, 2022), <https://www.justice.gov/opa/pr/justice-department-announces-new-language-access-law-enforcement-initiative>.