

TRANSLATING JUSTICE

A Guide for New York City's Justice and
Public Safety Agencies to Improve Access
for Residents with Limited English
Proficiency

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Executive Summary

In recent years, New York City has experienced unprecedented growth in the size and diversity of its immigrant population. As a result, a significant proportion of city residents have limited English proficiency or do not speak English at all. Approximately half of all New Yorkers speak a language other than English at home; close to one-fourth of city residents over the age of five do not speak English very well; and almost one-sixth of all city households are linguistically isolated, which means that all members 14 years old or older have difficulty speaking English.¹ This presents a challenge for New York City's justice agencies because people—regardless of their ability to speak English fluently—interact with the criminal justice system in a variety of ways as victims, witnesses, defendants, and in other roles.

It is important that New York City justice agencies address language barriers because failing to do so can adversely affect victims, defendants, and the justice system as a whole. Roadblocks in communication can lead to victims failing to report crimes; cases taking longer to process; defendants remaining in jail longer; and criminals remaining at large because witnesses cannot communicate with police. In addition, Title VI of the Civil Rights Act of 1964 requires federally funded programs and agencies to provide meaningful access to people with limited English skills.

Finding ways to overcome language barriers is an emerging field, and New York City criminal and juvenile justice agencies have made great strides in addressing the needs of people with limited English proficiency. To help these agencies continue to develop cost-effective strategies for tackling language barriers, staff from the Vera Institute of Justice spoke with agencies and organizations locally and across the nation to discuss ways in which they have improved access to services for people with limited English proficiency. Vera staff then documented good practices so that these agencies could learn about these efforts.

The resulting report, *Translating Justice*, is not an evaluation of other language access programs, but a summary of diverse efforts to bridge the language gap. It is intended as a guide for New York City criminal and juvenile justice agencies, as it focuses on areas that are specifically relevant to New York. These include language access planning; translation of written communications; using bilingual employees; using professional interpreters; pooling resources; and using technology to overcome language barriers. Each of these strategies may not be appropriate for every justice agency, however. Agencies interested in overcoming language barriers should begin by assessing their clients' language needs and their own resources. Based on this assessment, agencies should then develop a long-term plan using strategies that are the most cost-effective and efficient means of supporting the needs of the agency and its clients.

¹ Center for New York City Affairs, *Hardship in Many Languages: Immigrant Families and Children in NYC* (New York: Milano Graduate School, New School University, January 2004).

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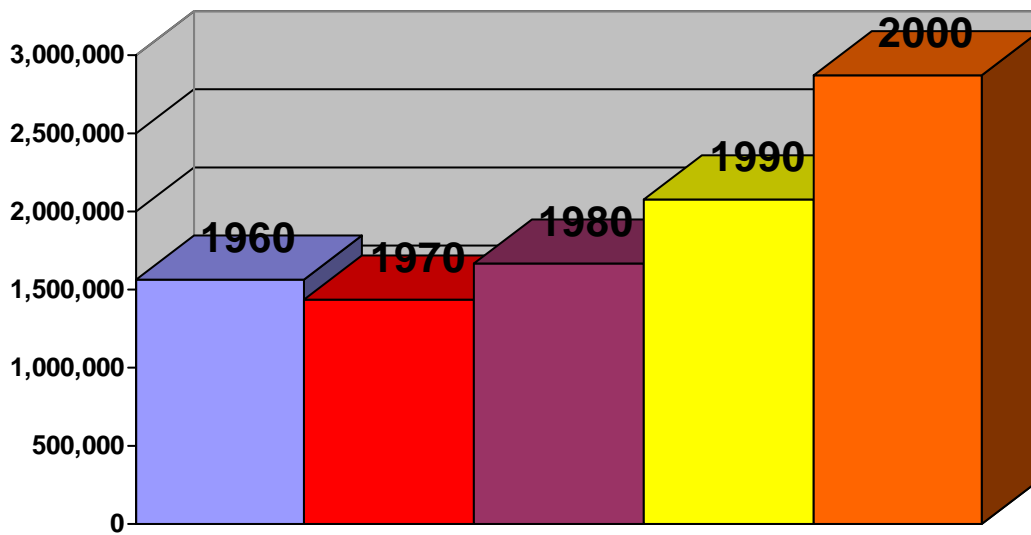
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Chapter 1: Introduction

Language barriers can prevent people with limited English proficiency from gaining access to many government services. In the justice field, these barriers can have particularly severe consequences. In New York City, addressing language barriers is a key concern, as a significant and rapidly growing segment of the city’s population—one-quarter of all city residents—is not proficient in English.² Between 1970 and 2000, the foreign-born population—for whom English is often not their primary language—more than doubled from roughly 1.4 million residents in 1970 to over 2.8 million in 2000: most of this growth occurred in the most recent decade, between 1990 and 2000 (see Figure 1).

Figure 1: Total foreign born population in New York City



Source: Campbell J. Gibson and Emily Lennon. “The Nativity of the Population for the 50 Largest Urban Places: 1870 to 1990.” *Historical Census Statistics on the Foreign-born Population of the United States: 1850 to 1990* (Washington, DC: U.S. Bureau of the Census, 2004).

It is important for agencies to address language barriers: failing to do so can adversely affect victims, defendants, and the justice system as a whole. Roadblocks in communication can lead to victims failing to report crimes; cases taking longer to process; defendants remaining in jail longer; and criminals remaining at large because witnesses cannot communicate with police. In addition, federal law requires that federally funded agencies provide meaningful access to services for people with limited English skills. Some city justice agencies have found ways to successfully address language barriers. Despite tremendous progress, gaps still remain.

² Center for New York City Affairs, *Hardship in Many Languages: Immigrant Families and Children in NYC* (New York: Milano Graduate School, New School University, January 2004).

To assist city agencies in continuing to develop cost-effective strategies for tackling language barriers, the Vera Institute of Justice documented good practices emerging from New York City and nationally that help language minorities gain access to government services. In order to identify and document these practices, we

- gathered and assessed information on good national and international practices,
- interviewed various New York City criminal and juvenile justice officials to learn how each agency addresses language barriers and to identify good practices. Agencies and organizations included New York City Police Department; Criminal Justice Agency; District Attorney's offices in Brooklyn and Queens; the Legal Aid Society of New York, Office of Court Administration, Department of Correction; Department of Probation; Safe Horizon; the New York State Office of Children and Family Services; Vera demonstration project staff working in the juvenile justice system; and alternative-to-incarceration programs, and
- interviewed staff at several community-based organizations that serve immigrant communities to assess the community's need for language services in the criminal and juvenile justice systems.

This paper is intended as a resource for New York City law enforcement and justice agencies that are looking for ways to better serve people with limited English proficiency (LEP). It describes some of the promising strategies that these agencies have implemented to communicate with and serve LEP people. Though Vera has not evaluated these programs using formal social science research methods, many of these programs are designed to address the communication challenges agencies face. Although this paper focuses on the justice sector, it also draws from lessons learned in other government sectors and jurisdictions and the private sector that have been addressing these issues successfully for several years.

While we hope that the information provided in this paper will help New York City's justice agencies develop creative and cost-effective solutions to address language barriers, we recognize that each practice we present may not be appropriate for every circumstance. To determine a comprehensive response that is most appropriate for their specific needs, agencies should engage in a strategic planning process to assess the particular language needs of their clients. Additionally, this paper highlights only a portion of the many good practices in New York City and nationally; it should not be construed as a complete inventory of language access practices in the city or elsewhere. We strongly encourage readers to look to additional sources for more information about strategies to overcome language barriers in serving people with limited English proficiency.

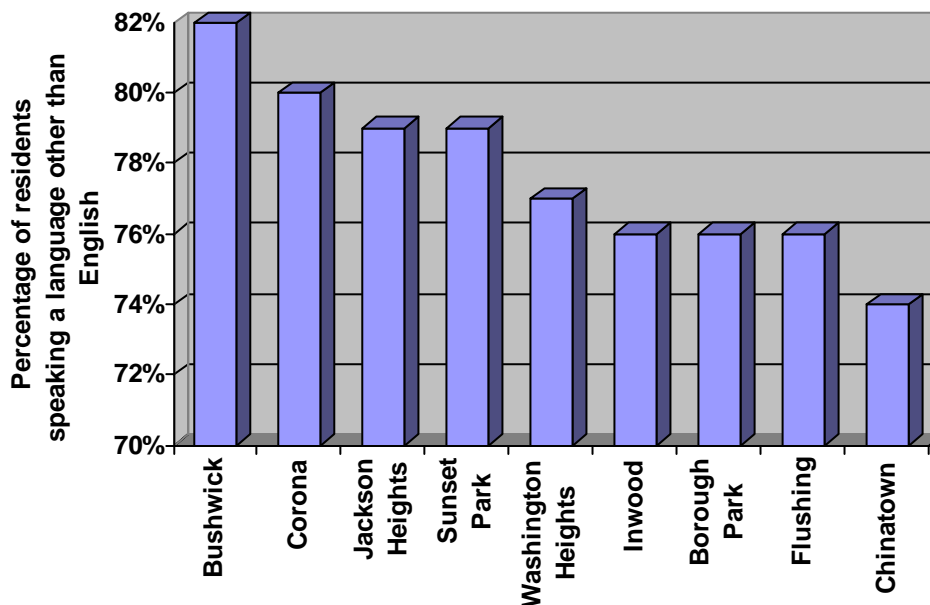
Chapter 2: What do we know about New York City’s limited English proficient population and its interaction with the criminal justice system?

New York City has experienced unprecedented growth in the size and diversity of its immigrant population in recent years. According to the 2000 Census, approximately 36 percent of New York City residents were born outside the United States; almost half of this population entered the United States between 1990 and 2000.³

Approximately half of all New Yorkers speak a language other than English at home, close to one-fourth of all New Yorkers over the age of five do not speak English very well, and almost one-sixth of all city households are linguistically isolated (all members 14 years old or older have difficulty speaking English).⁴

In certain New York City neighborhoods, the proportion of LEP residents is even higher: in more than 30 neighborhoods, 60 percent or more residents speak languages other than English, and in some neighborhoods as many as 80 percent of residents speak a language other than English as their primary language at home (see Figure 2).

Figure 2: Neighborhoods with highest proportion of people who speak languages other than English at home



Source: New York City Department of City Planning, “Selected Socioeconomic Characteristics, United States and Top 25 Cities.” New York, <<http://www.nyc.gov/html/dcp/pdf/census/sf3top25.pdf>> 15 June 2005.

³ New York City Department of City Planning, “Selected Socioeconomic Characteristics, United States and Top 25 Cities,” New York: New York City Department of City Planning, <<http://www.nyc.gov/html/dcp/pdf/census/sf3top25.pdf>> 15 June 2005.

⁴ Center for New York City Affairs, *Hardship in Many Languages: Immigrant Families and Children in NYC* (New York: Milano Graduate School, New School University, January 2004).

Many of New York City’s LEP residents interact with the criminal justice system in a variety of ways: as victims, witnesses, defendants, and in other roles. In 2004, 248,177 people with limited English proficiency called the emergency 911 number. Over 245,000 calls came from people speaking one of eight languages, while the approximately 3,000 remaining calls came from people speaking 74 other languages. Spanish was the language most frequently spoken by callers (see Table 1). Data from the Office of Court Administration shows that in 2003, the courts hired interpreters for court hearings and trials in at least 90 different languages.

Table 1: Top eight languages spoken by people calling 911 in 2004

Language	Number of Calls
Spanish	225,438
Mandarin	8,456
Russian	4,556
Cantonese	2,492
Korean	1,407
Polish	1,105
French	1,058
Arabic	585
Total	245,097

Source: NYPD Language Line and 911 operator data

Tens of thousands of New Yorkers with limited English proficiency are also arrested each year and interact with multiple city agencies—such as the New York Police Department; Department of Probation; and, in cases of detention, the Department of Correction—as they move through the justice system.⁵ They also often interact with nonprofit organizations under contract with the city that perform criminal justice services, such as the Legal Aid Society, Criminal Justice Agency (CJA), and Center for Alternative Sentencing and Employment Services.

Although there is no citywide data available on the number of LEP people who are arrested, CJA data for Manhattan, the Bronx, Staten Island and Brooklyn show that approximately 16,500 people who could not communicate in English were arrested in 2005.⁶ This data does not include Queens, which has a high number of immigrants. There is little demographic or language data available on juveniles in the juvenile justice system; however, workers at the New York State downstate intake center, which serves juveniles entering placement from New York City and surrounding areas, report an increase in children entering

⁵ *The Mayor’s Management Report: Fiscal Year 2004* (New York: City of New York, Mayor’s Office of Operations, September 2004).

⁶ Criminal Justice Agency data on “Defendant Language by Boro of Interview,” 2005.

the system whose parents only speak Spanish. In the adult population, 95 percent of people arrested in Brooklyn, the Bronx, Staten Island and Manhattan who spoke a language other than English spoke one of eight languages. The remaining five percent spoke over 30 different languages. Table 2 lists the top eight languages of people arrested in Brooklyn, the Bronx, Staten Island and Manhattan in 2005.

Table 2: Top eight languages of people arrested in 2005 in the Bronx, Brooklyn, Manhattan, and Staten Island⁷

Language	Approximate # of people
Spanish	13,543
Mandarin	688
Cantonese	540
Russian	266
French	245
Polish	147
Arabic	133
Korean	129
Total	15,691

⁷ Criminal Justice Agency data on “Defendant Language by Boro of Interview,” 2005.

Chapter 3: Why is it important for New York City's justice agencies to address language barriers?

Language barriers prevent immigrants from accessing a variety of essential government services beyond the criminal justice system: for instance, many immigrants with limited English proficiency cannot participate in their children's education and often receive lower quality health care.⁸ In the justice field, agencies that fail to address language barriers can adversely affect victims, defendants, and the justice system as a whole. Roadblocks in communication can lead to victims failing to report crimes; cases taking longer to process; defendants remaining in jail longer because alternatives to incarceration are unavailable; and criminals remaining at large because witnesses cannot communicate with police. Below we describe some of the ways in which language barriers impact the criminal and juvenile justice systems and why these agencies need to address this issue.

3.1 Language barriers impede law enforcement efforts at controlling crime

When witnesses cannot communicate with law enforcement because of language barriers, criminals can remain at large. We heard from several immigrant victims that they were turned away when they tried to report a crime at a police precinct because they could not speak English. Victims often must communicate with police in English despite their limited English abilities. In a focus group of domestic violence survivors conducted by the organization Sakhi for South Asian Women, many reported difficulty communicating with police from the NYPD. Yet only nine percent of the participants were asked if they needed an interpreter.⁹ When police cannot communicate with a victim, they are unable to properly document the circumstances of an incident, which makes success in court more unlikely. In addition, prosecutors cannot communicate as effectively with LEP witnesses as with English-speaking witnesses, which makes preparing a prosecution more difficult.

3.2 Language barriers cause inefficiencies in the justice system

Trials are sometimes delayed because a qualified interpreter cannot be found for a witness or defendant with limited English proficiency. This may also mean that defendants remain in jail longer while they await trial. Victims/complainants typically receive "come see me" letters in English and other court-related communications. If they do not have someone to translate the letters, cases may be delayed because witnesses do not know when to come to court. Many

⁸ Advocates for Children and the New York Immigration Coalition, *Denied at the Door: Language Barriers Block Immigrant Parents from School Involvement* (New York: Advocates for Children, 2004); Mia Lipsit, *Newcomers Left Behind: Immigrant Parents Lack Equal Access to New York City's Schools* (New York: Center for New York City Affairs, Milano Graduate School of Management and Urban Policy, New School University, 2003); Gabrielle Lessard and Leighton Ku, "Gaps in Coverage for Children in Immigrant Families," *Health Insurance for Children* 13, no. 1 (2003): 101.

⁹ Purvi Shah, "In the House, Speaking the Language of Survival," *Voices of Sakhi* (May 2003).

defendants are released on their own recognizance based on a recommendation by the Criminal Justice Agency (CJA), which interviews suspects immediately following their arrest, thus preventing the city from paying for costly pre-trial detention. However, the CJA cannot make any recommendation for LEP persons who speak a language other than Spanish or English in Brooklyn, the Bronx, or Manhattan, leaving judges with little to go on when deciding to release a defendant.

3.3 Language barriers impact justice workers' ability to effectively do their job

Several frontline staff we interviewed expressed frustration at their inability to effectively serve LEP people, particularly people who speak a language other than Spanish. A defense attorney said he felt that language barriers made it much harder to build trust with clients and using interpreters often made his clients uncomfortable and thus reluctant to reveal personal information. Bilingual staff also expressed frustration at being called away from their primary responsibilities to serve as an interpreter. A bilingual juvenile justice worker in the Bronx told us that Spanish-speaking parents often call her office asking for interpretation help during calls with their children's caseworkers at placement facilities in upstate New York. Another bilingual worker at a juvenile intake facility said that she was frequently called to help her colleagues interview non-English speaking parents. While the worker said she did not mind helping her colleagues, she said that the additional work was burdensome and made it difficult to keep up with her own caseload. Bilingual staffers in victim services and alternative-to-incarceration organizations reported that at times, they were asked to interpret for staff in other justice agencies. They felt that playing these dual roles often created conflicts of interest, thereby undermining their ability to perform their job.

3.4 LEP victims and defendants do not have the same quality of interactions with the criminal justice system

Often a victim's privacy is compromised because police officers use neighbors or family members to interpret. Representatives from victim services organizations reported that non-English speaking women must often bring family members or friends to the police station to interpret for them when they want to report an incident of domestic violence. It is difficult enough for women who speak English to verbalize the abuse they have experienced, but with LEP victims, the trauma suffered is compounded by their inability to express themselves in their primary language. Interviewees also cited cases of people being arrested because they could not communicate with a police officer. They also talked about incidents in which people got into additional trouble while they were already in the justice system. Several interviewees also commented on the poor quality of professionalism and skills among court interpreters—in particular voucher interpreters—which lead to inaccurate interpretation.

3.5 Federal law requires that federally funded agencies provide meaningful access to services for LEP persons

Title VI of the Civil Rights Act of 1964 requires that federally funded programs and agencies provide meaningful access to people with limited English skills. In August 2000, President Clinton issued Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, which requires federal agencies to publish guidance on how federally funded programs can comply with Title VI's language access requirements. The Bush administration also affirmed its commitment to making federally conducted and funded programs more language accessible. Under this administration, federal agencies, including the Department of Justice, have issued guidance on complying with Title VI requirements. The Bush administration has also taken significant steps toward enforcing the law. For example, the Office of Justice Programs is conducting a compliance review of language accessibility of police services in Philadelphia.

Chapter 4: Good Practices in Government Agencies in New York City and Elsewhere for Overcoming Language Barriers

This section highlights a variety of strategies for providing services to language minorities. The primary focus is on New York City justice agencies, but the challenge of how to overcome language barriers is hardly unique to these agencies. As a result, we will examine practices from various contexts and organizations, including healthcare providers, educational agencies, state and municipal governments across the country, the New Zealand government, and private companies. While this section will provide promising ideas that NYC justice agencies may wish to adopt, before doing so most agencies will likely want to conduct a thorough assessment of their clients' needs.

4.1 Language access planning

In an era of rapidly changing demography, there is no simple solution to overcoming language barriers. Agencies should go through a strategic planning process for overcoming language barriers that is appropriate for their needs and the communities they serve. The resulting policy should be documented in a language access plan, which includes agency policy, methods for overcoming language barriers, training for staff, and outreach to the LEP community. A language access plan that is periodically reassessed helps agencies keep up with their changing needs and helps communicate to staff the agency's policy and the language services available for different types of interactions.

Guidance provided by the Department of Justice (DOJ Guidance) strongly recommends that recipients of federal financial assistance develop and maintain an updated written plan on language assistance for use by employees.¹⁰ Language access plans are also very useful for program management, especially in the areas of training, administration, planning, and budgeting.

4.11 What is involved in language access planning?

Prior to developing a language access plan, agencies should conduct an assessment of their capabilities and the needs of the population they serve. These agencies should use the four-factor analysis laid out in "Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." Under Executive Order 13,166, the Department of Justice was made responsible for issuing policy guidance that all federal agencies can use to assess whether federally funded programs comply with federal civil rights law. This

¹⁰ U.S. Department of Justice, "Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," *Federal Register* (Washington, DC: U.S. Department of Justice, June 18, 2002). Hereafter referred to as DOJ Guidance.

framework was intended to help recipients of multiple sources of federal funds because it provides a consistent framework in which to analyze language service requirements. This four-factor analysis was intended to ensure LEP people received meaningful access to federally funded activities without placing undue burdens on small governments or small nonprofit organizations. The four factors are

- 1) *Demography.* To determine the number of LEP persons from a particular language group eligible to be served, agencies should look at the geographic area they serve. Juvenile justice or other agencies serving minors must also consider the number of LEP parents of minors interacting with the agency.¹¹
- 2) *Frequency of contact.* In addition to demographic data, agencies should consider the frequency of interaction with which each linguistic group. Agencies will not be required to provide the same level of language services to groups that they work with occasionally as do for groups they frequently interact with. Agencies must analyze general demographic data in addition to frequency of contact because more people might access the services if language assistance is available. For instance, some language groups may seek assistance from victim services agencies more frequently if they know that they can communicate with the staff in their primary language.
- 3) *Importance.* The more important an activity, service, or program, the more intense the language service requirement. The Department of Justice Guidance provides the following example: “The obligations to communicate rights to a person who is arrested or to provide medical services to an ill or injured inmate differ, for example, from those to provide bicycle safety courses or recreational programming.”¹²
- 4) *Resources.* Smaller agencies with limited budgets are not expected to provide the same level of services as agencies with larger budgets. Thus, a small police department with five officers will not be required to provide the same level of service as the New York City Police Department.

After completing this analysis, agencies should determine which method of overcoming language barriers they will use for different categories of interactions. Agencies may also want to consider their needs or agency employee needs. In certain situations, an agency may have an immediate need to communicate and cannot wait for an interpreter to be located. For example, when police respond to a call of shots fired, out of concern for officers’ safety, they

¹¹ DOJ Guidance.

¹² Ibid., (V)(3).

may not have time to wait for the arrival of a bilingual employee. On the other hand, a detective conducting a follow-up interview with a complainant may have the time to arrange for a bilingual employee to assist him or her.

Once agencies have determined the methods they will use to communicate with LEP persons, they should develop an implementation plan to address the needs of the LEP population they serve. A good language access plan is based on sound planning; is adequately supported so that implementation has a realistic chance of success; and is periodically evaluated and revised.¹³ Many agencies that have developed language access plans have found it useful to establish a committee or work group that includes administrators, professional and administrative support staff, potential beneficiaries, and members of community organizations.¹⁴ A language access plan should include the following components:

- identifying LEP persons in need of language assistance;
- information about ways language barriers will be overcome;
- training for staff on how to provide meaningful access to information and services for LEP persons; and
- notice to LEP persons about available language services.¹⁵

In assessing the number of LEP persons eligible to be served by the program, the following resources can provide useful information:

- the U.S. Census data (www.census.gov);
- the Population Division of the New York City Department of City Planning;
- the U.S. Department of Education, which maintains data on languages spoken in public schools;
- the U.S. Department of Labor, which maintains a demographics tool broken down by Workforce Investment area;
- community-based organizations working with the relevant linguistic population;
- interpretation and translation associations and private language service companies, such as Language Line, to determine which languages are most frequently requested; and
- the New York State Office of Court Administration data on payment of interpreters.

In order to accurately assess the changing language needs of an agency, the agency should keep track of the languages of people interacting with the agency or program. This data

¹³ Department of Justice, “Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance.” <<http://www.lep.gov/selfassesstool.htm>>.

¹⁴ Ibid.

¹⁵ DOJ Guidance.

should be periodically reviewed and the language access plan updated to reflect changes in demographics and frequency of contact with different language groups.

4.12 Examples of language access plans

Vera staff found several jurisdictions and agencies in New York City and around the nation engaging in comprehensive language access planning. Below we describe the practices of several New York City social service agencies and the Summit County Sheriff's Office and City of Lorain Police Department in Ohio.

New York City Language Access Law Implementation Plans. The New York City Administration for Children's Services, Department of Health and Mental Hygiene, the Human Resources Administration, and the Department of Homeless Services have all issued implementation plans for the city language access law, Local Law 73. The law, which was passed at the end of 2003, requires these agencies to take specified steps toward making their services more accessible to immigrants who do not speak English well. Each plan includes the following sections:

- a method for identifying primary language;
- notice regarding free language assistance;
- language assistance services;
- quality assurance measures;
- training of agency personnel;
- record keeping and monitoring; and
- implementation updates and annual reports.

The Department of Health and Mental Hygiene also included a statement prohibiting the use of friends and family members as interpreters. All of the plans can be accessed on the Mayor's Office for Immigrant Affairs web site.¹⁶

Summit County Sheriff's Office and the City of Lorain Police Department Model Language Access Policy. The Summit County Sheriff's Office in Ohio formed a committee of statewide law enforcement officials to develop a standard policy for interacting with LEP persons. The policy is intended to serve as a model for law enforcement agencies throughout the nation. The Summit/Lorain project committee brought together law enforcement officers, prosecutors, criminal defense attorneys, and representatives from immigrant communities. The committee was also assisted by an advisory board of experts from the interpreting community and employees of the Department of Justice's Civil Rights Division. The

¹⁶ See NYC Mayor's Office for Immigrant Affairs web site, <<http://www.nyc.gov/html/imm/html/plans/plans.shtml>>.

committee produced a list of every kind of law enforcement scenario: civilian inquiries, fender benders, breathalyzer tests, criminal reports, etc. The group also consulted with law enforcement experts from around the country to develop this comprehensive list. The committee then analyzed what level and type of language assistance was appropriate at each point of interaction between law enforcement and the public. The group also surveyed law enforcement officials in 49 states to learn about their policies and practices for overcoming language barriers.¹⁷

The resulting language access plan—a model for LEP policy—is a detailed and comprehensive document. The plan includes general procedures for hiring bilingual staff; recruiting and hiring interpreters; translating vital documents; quality control; transcribing and translating audio and video tapes; booking and medical intake at confinement facilities; contracting with telephonic language services; reviewing demographic trends; and using a flash card communications booklet to help identify an individual’s language. The policy also includes detailed instructions for law enforcement personnel to follow when encountering a person with limited English proficiency, including the duties and responsibilities of the communications department, supervisor, and patrol officers. Finally, the policy includes a point of interaction chart, which lays out the list of possible points of interaction and possible ways of overcoming language barriers at each of those points. The Summit/Lorain project also created language identification cards in 56 languages in collaboration with the Ohio Office of Criminal Justice Services, the National Association of Judiciary Interpreters and Translators, and the American Translators Association.¹⁸

4.2 Translating important written communications

Written communications—including brochures, signs, web sites, letters, and forms—often represent an individual’s first contact with a government agency. Some of these documents are also needed to access services. Thus it is crucial that written communications be accessible to non-English speakers and people with limited English proficiency and that translated documents be linguistically and culturally competent. One model for translation, which has proven effective in the private sector, involves three steps: 1) a certified translator translates the document; 2) a second professional who speaks the target language proofs the document; and 3) the document is field-tested with a small pool of potential “customers” to ensure that the translation is accurate.¹⁹

¹⁷ Summit County Sheriff’s Department and the City of Lorain Police Department, “The Summit/Lorain Project, Resource Document for Law Enforcement: Interpretation and Translation Services, To Serve and Protect All,” <<http://www.co.summit.oh.us/sheriff/lep.pdf>>.

¹⁸ The language identification cards can be accessed at www.lep.gov.recip.html.

¹⁹ Vivek Malhotra and Theodore Wang, “The Language of Business.” (San Francisco: Chinese for Affirmative Action, Center for Asian American Advocacy, July 2004).

4.21 When is it important to translate written communications?

The DOJ Guidance recommends that recipients of federal funding translate “vital” written materials into the language of “each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient’s program.”²⁰ As examples of vital written materials, the DOJ Guidance lists the following:

- consent and complaint forms;
- intake forms with the potential for important consequences;
- written notices of rights;
- notices of denial, loss, or decreases in benefits or services;
- notices of parole and other hearings;
- notices of disciplinary action;
- notices advising LEP persons of free language assistance;
- prison rule books;
- tests that measure competency for a license, job, or skill that does not require knowledge of English; and
- applications to participate in a program or activity or to receive benefits or services.

Determining whether a particular document is “vital” is not always straightforward. Agencies should consider a variety of factors, such as the nature of the service involved, the importance of the information being communicated, whether the communication provides access to other programs or services, and whether it helps the agency to operate more efficiently. Finally, it might be cost-effective to translate forms that are used frequently into the languages of commonly served populations.

4.22 Good translation practices from the field

A number of government organizations translate critical materials for distribution to non-English speakers. In this section, we consider four specific examples: the New York City Mayor’s Office to Combat Domestic Violence, the New York City Department of Education, the city of Monterey Park, California, and the Los Angeles Police Department.

Mayor’s Office to Combat Domestic Violence educational brochures. In conjunction with community-based domestic violence advocates, the Mayor’s Office to Combat Domestic Violence translated educational brochures for victims of domestic violence into 14 different languages. The material, which draws on a series of focus groups for immigrant victims of domestic violence, includes general information on domestic violence, palm cards and posters on teen dating safety, and specific information on what to do if one is sexually assaulted and

²⁰ DOJ Guidance.

how to access domestic violence services. It is available on-line in Spanish and English and by request in other languages.

New York City Department of Education: translation unit. At the beginning of the 2004-2005 school year, the New York City Department of Education created a translation unit that, according to Chancellor Joel Klein, aims to “bridge language gaps and give parents the tools they need to do the best possible job of monitoring and building their children in our schools and communities.”²¹ The unit will translate all of the critical documents that the Department of Education distributes to parents into eight major languages: Spanish, Chinese (Mandarin), Russian, Bengali, Haitian Creole, Korean, Urdu, and Arabic. The unit will also provide interpretation services at high-profile department events.

Monterey Park, CA: policy on multilingual services. In 2003, as part of its Administrative Policy on Multilingual City Services, the city of Monterey Park, CA, set forth guidelines for providing the LEP population with multilingual access to city services. The guidelines include a section on “translation of documents and correspondence.” Pursuant to their policy on multilingual services, city officials rely on both private contractors and volunteers to translate a variety of materials, including informational brochures, applications, and press releases, into Mandarin, Cantonese, and Spanish. Volunteer translators must be certified as bilingual. Monterey Park also encourages organizations that receive city funding to translate written materials into languages other than English. City press releases are now regularly transmitted to non-English media outlets, and the city’s web site and most public signs feature information in several languages.

Los Angeles Police Department: translation of key information. As part of a broad strategy to increase language access, the Los Angeles Police Department (LAPD) translates a variety of materials, including its crime prevention circulars, which are distributed throughout ethnic communities. The LAPD also translates its citizen complaint forms into Spanish, Chinese, and Korean.²²

4.3 Bilingual employees

Overcoming language barriers can be very expensive. In lieu of paying for expensive private language services, many public and private institutions seek to hire employees who are proficient in the languages commonly used in their service or market area. For example, in a national survey of police and local government officials, 81 percent of police respondents

²¹ Wil Cruz, “New Translation Materials for Parents,” *Newsday*, September 24, 2004.

²² United States Commission on Civil Rights, “Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination Volume V: The Los Angeles Report,” <<http://www.usccr.gov/pubs/larpt/chapter7.htm#Lang>> 12 June 2005.

stated that their agency considered language skills when reviewing job candidates, and 87 percent said their employer offered pay incentives to bilingual employees.²³

4.31 When is using bilingual employees an appropriate way of overcoming language barriers?

Bilingual staff can serve in positions that require public contact, providing direct services in languages other than English. Bilingual employees not only cost less than interpreters, they can also help build trust by communicating with LEP clients directly in their primary language. Moreover, interpreters are neither ideal nor efficient in situations that require intensive interpersonal work, such as drug programs or family-centered juvenile justice programs.

Nonetheless, most criminal justice practitioners we interviewed agreed that finding bilingual employees with the necessary job qualifications can be challenging. Furthermore, an organization may interact with several different language minorities, in which case even a bilingual employee will only be able to overcome some language barriers. For example, a police officer in Jackson Heights, Queens, will daily encounter people who speak numerous different languages. Some agencies seek to address this challenge by pooling their resources—an approach we discuss in more detail below.

Because language skills can make a job candidate more attractive, some applicants may exaggerate their abilities. For this reason, agencies that hire bilingual staff should ensure that prospective employees are truly proficient in both English and the second language. Bilingual staff who serve as interpreters or translators are required to be competent in the art of interpreting or translating, respectively.²⁴ Competency to interpret does not necessarily mean formal certification. In fact, the DOJ defines competency to interpret as “demonstrate[d] proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting.” Bilingual employees also need to be familiar with specialized terms or concepts in both languages and to understand their professional standards for interpreters. Employers should also recognize and make allowance for the extra demands placed on bilingual employees, who are often pulled away from their regular duties to serve as translators or interpreters.

4.32 Good practices for overcoming challenges associated with using bilingual employees.

While hiring bilingual employees may be the most cost-effective method of communicating with LEP persons, it may not always be practical. Many New York City agencies face a lack of qualified bilingual applicants; others may serve a population that is linguistically very

²³ Karthick Ramakrishnan and Paul G. Lewis, “Immigrants and Local Governance: The View from City Hall.” (San Francisco: Public Policy Institute of California, 2005): 53.

²⁴ DOJ Guidance.

diverse. In what follows, we describe several alternative approaches to overcoming language barriers: bilingual pay incentives, targeted recruitment, bilingual employee databases, and language training programs.

Bilingual pay incentives. Several individuals we spoke to cited low salaries as a barrier to hiring bilingual employees. A number of local governments seek to address this problem with bilingual pay incentives. For instance, police departments in San Francisco, Santa Ana, Los Angeles, and San Antonio offer bilingual pay to officers who speak a second language. The amount of the incentive ranges from \$50 per month in San Antonio to five percent of base pay in Santa Ana.²⁵ San Francisco and San Antonio require employees to pass an exam in order to qualify for bilingual pay.

Targeted recruitment. Many government and private institutions make targeted recruitment efforts. The New York Police Department Personnel Bureau, for example, has made serious efforts to increase the number of bilingual officers. Using U.S. Census data, the bureau identifies neighborhoods with high concentrations of individuals who speak the languages in a strong demand. Recruiters then place job advertisements in local ethnic papers and talk to local business and community leaders. They also recruit at the city's public colleges, where significant numbers of immigrants are enrolled, and encourage those already working for the department to recruit from their communities. In addition, the NYPD's job application includes a field for language skills, which the department uses to track individuals according to language group throughout the application and training process. To identify the department's language needs, the Personnel Bureau analyzes the department's personnel profile and adjusts its recruiting efforts accordingly. The department also pays close attention to changing demographics in assessing its personnel needs.

Bilingual employee databases. Many agencies use databases of bilingual staff to help meet their language service needs. The NYPD, for instance, has created a voluntary language bank of both civilian employees and sworn employees who speak languages other than English. In an effort to maintain high professional standards, the department has an outside language services company test individuals' written and oral communication skills before they are placed on the volunteer database. When an officer in the field needs an interpreter, he or she calls police headquarters. The database operator identifies the individual with the highest score on the proficiency exam who is available. If the need for an interpreter is immediate, the volunteer interpreter may interpret over the phone.

Two New York City public hospitals, Elmhurst Hospital and Queens Hospital Center, have also created a voluntary pool of bilingual staff interpreters—the Cultural and Linguistic Diversity Development program. The program has identified “language service teams” of

²⁵ City and County of San Francisco Board of Supervisors, “Legislative Analyst Report—Bilingual Police Services File No. 011550” (2001).

individuals who are authorized to interrupt their usual work as nurses, clerks, orderlies, housekeepers, and counselors to interpret for patients. These interpreters undergo a 40-hour medical interpreter training course that covers medical ethics, biomedical culture and vocabulary, and role-play exercises. While the hospitals still rely on telephone interpreters for some languages, the in-house training program has allowed them to reduce the cost of interpretation services.²⁶

Language training. Some organizations have also turned to language training programs, especially in regions where there is a limited pool of qualified bilingual employees. One example is the Lexington, KY, police department and its Advanced Language Program. Lexington, like many cities around the country, has in recent years experienced a significant and sudden demographic shift. The police department now serves a significant Spanish-speaking population, yet there are few bilingual individuals in the Lexington area who also meet the department's job requirements. In addition to providing officers with the language skills they need to communicate with Spanish-speaking residents, the Advanced Language Program also seeks to promote understanding of Latino culture. In the first phase of the program, officers complete 18 college credit hours of Spanish language instruction at the police academy. In the second phase, officers spend five weeks in Mexico living with local families, attending intensive language classes, and participating in practical exercises designed for law enforcement.

Not all organizations have the resources to send their employees abroad. Nonetheless, many either provide their employees with language instruction or reimburse them for taking language classes elsewhere.

4.4 Professional interpreters

Many organizations also make use of professional interpreters, especially when hiring bilingual employees is difficult; when an organization has specific language needs not easily met by bilingual employees; or when the use of a full-time bilingual employee might be inappropriate. If an organization's need justifies the expense, having a professional interpreter on staff can be an effective way to serve an LEP population and prevent delays in service. In other cases, contracting with a private interpretation service as needed might be more cost-effective. Interpreters must be well-trained and certified and should be regularly tested to ensure high professional standards.

4.41 When is it appropriate to hire professional interpreters?

The DOJ Guidance states that in certain instances, the interests of an agency receiving federal funding justify the use of a professional interpreter. Specifically, "where precise, complete,

²⁶ Corey Kilgannon, "Queens Hospitals Learn Many Ways to Say 'Ah' Immigrant Populations with Native Remedies," *New York Times*, April 15, 2005, Section B.

and accurate translations of information and/or testimony are critical for law enforcement, adjudicatory, or legal reasons,” or “where individual rights depend on precise, complete, and accurate interpretation,” an agency should provide its own competent professional interpreter—even if the client wants to use his or her own interpreter as well. The DOJ Guidance lists several examples of situations in which it “strongly encourages” agencies to use professional interpreters.²⁷ Among them are:

- administrative or other hearings,
- court proceedings, and
- police interrogations.

In other contexts, it may be more difficult to determine whether a professional interpreter is needed. As a rule, though, agencies are strongly advised to use professional interpreters whenever the consequences of miscommunication are serious, such as when a person’s rights are at stake or when the proper functioning of the system relies on the accuracy of the conveyed information. It is also important to use professional interpreters when there are potential conflicts of interest. For example, it would be inappropriate for a domestic violence advocate, who is charged with neutrally advocating for the well-being of the victim, to interpret for the prosecution, which must decide whether or not to file a criminal case against the victim’s spouse.

Most criminal justice agencies will need to hire professional interpreters from time to time. If an agency finds it has a frequent need for interpretation in a particular language, it might be cost-effective to hire full-time staff interpreters. The New York City Department of Probation, for example, has full-time Spanish interpreters on staff to assist probation officers with interviews and provide new probationers with Spanish-language orientation.

Having full-time interpreters on staff can expedite the delivery of language assistance. Because staff interpreters are familiar with an agency’s work and any specialized vocabulary, they can also improve the consistency and accuracy of interpretation services. Agencies should monitor interpreters on a regular basis to ensure that they remain impartial, follow confidentiality rules, and provide high-quality interpretation services.

4.42 Is it important to train staff how to communicate through interpreters?

Agency staff need to know how and when to use interpreters, and they should understand the role of interpreters so that they do not ask them to perform tasks for which they are not qualified. Staff should also be given tips on how to communicate effectively through an interpreter: speak in short sentences, use simple language when possible, and make eye contact with the individual one is addressing (rather than the interpreter).

²⁷ DOJ Guidance.

Additionally, it is important to train staff about general language issues that may affect their ability to communicate with clients. For example, people who are struggling to communicate in a language in which they are not proficient may become frustrated or use improper intonation, both of which can make their speech seem aggressive. Similarly, some individuals may want to communicate with the government worker directly rather than through an interpreter, particularly when critical rights are at stake. However, not using an interpreter greatly increases the chance of a misunderstanding.

4.43 Good professional interpreter programs

To ensure professional standards, agencies that hire interpreters should test, train, and monitor their employees. Training for interpreters should include codes of professional responsibility, criminal justice terminology, and sensitivity issues such as working with victims of domestic violence and child abuse. Below we discuss two promising examples, one public and one private, of comprehensive professional interpreter programs.

New Jersey State Courts Interpreter Program. The New Jersey State Court system uses several strategies to ensure the quality and availability of professional court interpreters. The court keeps a number of full-time interpreters on staff and has developed a professional performance exam in 15 languages. All candidates for interpreter positions are required to take this exam, which contains written and oral sections, and to attend a seminar on professional conduct for interpreters. In addition, the court engages contract interpreters on an ad hoc basis for less common languages. Contract interpreters must pass the same tests and meet the same standards as full-time interpreters.

In addition to testing its interpreters, the court trains its employees to serve language minorities. Within one year of their appointment to the bench, new state and municipal judges attend an orientation that includes a segment on language access issues. Orientation for new municipal court employees covers the role of interpreters and standards for interpretation.

Kaiser Permanente Health Care Interpreter Certification Program. Several private sector institutions have created their own pools of professional interpreters. To staff its telephone interpretation lines with Cantonese, Mandarin and Spanish speakers, the health care provider Kaiser Permanente partnered with the City College of San Francisco to develop a health care certification program for qualified interpreters. Kaiser Permanente requires that its interpreters participate in the certification program or one like it.²⁸

²⁸ Vivek Malhotra and Theodore Wang, “The Language of Business.” (San Francisco: Chinese for Affirmative Action, Center for Asian American Advocacy, July 2004), *supra*.

4.5 Pooling resources

Pooling resources across agencies can be an effective way for government organizations to lower costs and improve the quality of translation and interpretation services. A number of organizations in the private sector, including utility and telephone companies, banks, private hospitals and other businesses, have already adopted this approach. By centralizing their languages services, many of these organizations have increased their ability to serve LEP people; reduced their dependence on expensive private interpretation services; cut the cost of translation and interpretation; developed customized language access strategies; and improved the quality and consistency of translation and interpretation.²⁹

4.51 When is it good to pool resources across agencies?

Pooled services are particularly useful when there is a recurring need for language services, yet the demand is not sufficient to warrant a full-time interpreter or staff person for each agency. A single Wolof interpreter, for example, might serve several New York City agencies. On the other hand, given the high demand for Spanish interpreters in New York City, it would probably be more cost-effective for these same agencies to hire Spanish-speaking staff and develop their internal Spanish-language capacity.

Sharing interpretation and translation resources is not an effective solution when there is a conflict of interest among agencies. For example, issues of attorney-client privilege might arise between public defenders and prosecutors' offices that share interpreters. One defense attorney we interviewed expressed concern about sharing an interpreter with the prosecution or police. Interpreters, the attorney pointed out, are not bound by attorney-client privilege rules.

Sharing interpreters and translators is a fairly straightforward matter for agencies that tend to employ the same specialized vocabulary. Centralizing interpretation and translation services for criminal and juvenile justice agencies, for example, can promote consistency and allow for the specialized training of interpreters and translators in legal terminology.

4.52 Good examples of government agencies pooling resources

Because pooling language resources confers economic benefits, we found several examples of the public and private sector sharing language resources. In what follows, we discuss two New York City initiatives that seek to improve access to government services by pooling language resources: the Mayor's Office of Immigrant Affairs' language database and the 311 Citizen Service Center. We also look at the New Zealand government's innovative telephone interpretation service.

²⁹ *Ibid.*, *supra*.

Citywide volunteer language bank. The Mayor's Office of Immigrant Affairs maintains a database of bilingual city employees willing to provide translation or interpretation services on a volunteer basis. At each city agency, a language liaison is charged with handling requests for interpretation or translation services. For each request, the language liaison identifies a suitable volunteer in the database and makes the necessary arrangements for translation or interpretation. (Volunteers are sometimes able to translate or interpret without leaving their home agency. Liaisons generally begin by looking for volunteers from their own agency; if none are available, they then search for volunteers from other city agencies.) Because volunteers are neither certified nor tested, the quality of service varies.

The Department of Correction (DOC) has the largest team of volunteer interpreters of any city agency. The "language service team" at Rikers Island consists of 19 uniformed and civilian staff, who speak 19 languages. To facilitate the identification of inmates' language needs, language access cards are available in all DOC facilities; when presented with these cards, inmates can indicate which language they speak. Requests for interpreters or translators are forwarded to the DOC language liaison. The language liaison then contacts members of the DOC language service team, who are on call 24 hours a day. When the language liaison is not able to find a suitable volunteer from the language services team, he or she will then access an on-line bank of DOC volunteers. In the event that no DOC employee is available, the language liaison will contact the language liaison at another agency. (However, the language liaison told Vera staff that this rarely happens.) Members of the language services team regularly interpret for other agencies and often bring materials home to translate on their own time.

311 Citizen Service Center. Beginning in October 2002, New York City consolidated the call centers of 17 government agencies into a single citywide Citizen Service Center with one simple phone number. The 24-hour hotline, which aims to make government services more accessible, is staffed year-round. Bilingual operators and Language Line, a company that provides interpreter services, interpret calls in as many as 170 languages. The main 311 call center is staffed by approximately 200 full-time operators. The city also employs about 50 part-time operators through a partnership with the City University of New York. The city reports that "operating a single call center for all customer needs is far more efficient than many agency-based centers throughout the City...311 enables the City to do more with less."³⁰

New Zealand Language Line pilot. The New Zealand Office of Ethnic Affairs operates a public telephone interpretation service that serves seven government agencies: police, the Accident Compensation Corporation, the Department of Internal Affairs, Housing New Zealand Corporation, Work and Income New Zealand, Immigration New Zealand, and the

³⁰ How 311 Works web site, <http://www.nyc.gov/html/311/html/how_311_works.html> 13 June 2005.

National Poisons Centre. During normal business hours, employees from any of these agencies can call the interpretation line and have a conversation with a client interpreted in real time in over 30 different languages. Staff from these agencies are reportedly pleased with the service.³¹ They have noted that it is particularly helpful when completing an application with a client or when trying to get personal information.

4.6 Using technology to overcome language barriers

Recent advances in technology have created pragmatic and, in many cases, cost-effective strategies for overcoming language barriers. Translation memory software, simultaneous interpretation equipment, telephone interpretation services, and hand-held translation devices are a few examples of technologies that facilitate communication with people who speak limited or no English. When used appropriately, these technologies can save money and time and make the jobs of frontline staff significantly easier.

4.6.1 Promising uses of technology for bridging language barriers.

In this section, we examine several ways in which technology is being used to overcome language barriers. While public and private healthcare providers have been at the forefront of these developments, we also found several instances in which New York City justice agencies are using technology to deliver services to LEP persons. Examples include the Language Line pilot, a joint effort between the New York Police Department and the Mayor's Office to Combat Domestic Violence; the New York City Department of Probation's language-accessible kiosks; and the Criminal Justice Agency's use of palm pilots during intake interviews. Among the other developments that we examine are the Technology Enhanced Medical Interpreting System project, a collaborative effort between New York University and the New York City Health and Hospitals Corporation that provides immediate interpretation assistance to line workers, and two advances in translation technology: a hand-held translation device and translation memory-assisted software.

NYPD and Mayor's Office to Combat Domestic Violence Language Line pilot. The Mayor's Office to Combat Domestic Violence recently launched a pilot project in two police precincts in Queens that provides telephone interpretation services to victims of domestic violence and sexual assault when they file a complaint. Each of the two precincts has four dual-handset phones to facilitate telephone interpretation: one for the detective squad, one for the domestic violence squad, one for the complaint room, and one for the main desk. Officers taking complaints can use these phones to call Language Line, with which the NYPD has a contract for telephone interpretation services. Patrol cars are also equipped with cell phones so that patrol officers can contact Language Line when they are called to a victim's home. The city

³¹ Language Line web site, <<http://www.languageline.com>>.

has plans to expand the pilot by outfitting all precincts with two dual-handset phones and providing 15 precincts with cell phones for detectives and domestic violence units.

NYU/NYC Health and Hospitals Corporation TEMIS project. The New York University Center for Immigrant Health, in partnership with the New York City Health and Hospitals Corporation (HHC), is running a pilot project that uses remote simultaneous translation equipment in two New York City hospital emergency rooms. When a patient who does not speak English arrives at the emergency room, both doctor and patient don headsets that are connected to a wireless transmitter. A trained medical interpreter, who is based in a remote language bank, provides simultaneous interpretation through the wireless headsets. Simultaneous interpretation is conducted in real time—instead of waiting for a speaker to finish speaking, the interpreter furnishes a running translation. Simultaneous interpretation is not only more efficient and accurate than other styles of interpretation, it has also been shown to better preserve linguistic tense, register, and tone, and thus helps establish a rapport between doctor and patient. A similar system might prove useful in the criminal justice system, provided the interpreters receive specialized training in legal interpretation.

Voice Response Translator. In 2002, the National Institute of Justice (NIJ) conducted a study of electronic devices that translate basic police commands into several languages. The devices were evaluated for accuracy of translation and performance in noisy environments. Of the three translation devices that the NIJ examined, the Voice Response Translator (VRT) was the easiest to use, had the longest battery power, and was the only device with hands-free capability. When a user speaks a shortened keyword phrase into the VRT, the unit plays back a translation of the phrase in the desired language. The unit can also be connected to a megaphone or amplifier. The VRT weighs 10.5 ounces and recognizes the voices of up to seven users per device. However, the unit is not well suited for uses that require the translation of a large set of phrases: with large numbers of phrases, the keyword set becomes too large for most users to memorize. A list of phrase codes could be used, but this would essentially eliminate the device's hands-free capability.³²

Translation memory-assisted software. Several companies, such as TRADOS, have developed computer-assisted translation tools that promote consistency in translation and can reduce the time it takes to accurately translate materials. Memory-assisted software scans materials that have been previously translated by a human translator and stores the translations of phrases and documents in a database. When a new document is being translated, the software compares passages with translations from the database and inputs common phrases into the new document.

³² National Institute of Justice, "In Short: Toward Criminal Justice Solutions, Voice Translators for Law Enforcement" (Washington, DC: U.S. Department of Justice National Institute of Justice, September 2004).

It is important not to confuse memory-assisted translation software with programs that provide a complete translation on the spot. In most cases, these complete translations are of poor quality. It can take a human translator longer to fix a bad computer translation than it would to provide a fresh translation from scratch.

NYC Department of Probation kiosks. In New York City, probationers who are deemed unlikely to commit violent crimes may be permitted to check in at special kiosks located in city probation offices as an alternative to meeting with a probation officer. The New York City Department of Probation has equipped these kiosks to serve probationers in Mandarin, Russian, and Spanish. Were the kiosks not language accessible, non-English speaking probationers would have to meet with a probation officer even if they did not meet the criteria for high-risk supervision. Language-accessible kiosks thus reduce probation officers' caseloads and give them more time to focus on the probationers who require intensive supervision.

Chapter 5: Ongoing Challenges and Next Steps

Criminal and juvenile justice agencies in New York City have made great strides toward making their services accessible to people with limited or no English skills. They have also developed innovative ways to overcome language barriers. However, our interviews revealed that there are still barriers preventing New Yorkers with limited English skills from fully accessing justice services. These barriers also impair justice workers' abilities to do their job effectively and efficiently. There are several steps that city agencies might take to make their services more accessible in the short term and help the city's justice agencies become fully accessible in the long term.

5.1 Increase the pool of qualified interpreters and bilingual criminal justice workers

Many of those we interviewed suggested that increasing the pool of qualified criminal justice interpreters and bilingual criminal justice workers would make justice and public safety services more language-accessible. Several interviewees also mentioned the need for increased bilingual capability in alternative-to-incarceration, reentry, and other criminal justice programs.

5.2 Collect data on language of users of the criminal justice system

Our research revealed that there is relatively little data on the frequency with which different language minorities are encountered in the criminal justice system. Better record keeping in this respect would serve as a valuable management tool by helping managers determine hiring priorities, ensure that appropriate language services are available, budget resources, and make staff assignments. Moreover, collecting data on language use would allow agencies to target their language services in the most appropriate and cost-effective manner, thus saving considerable resources in the long run.

5.3 Create language access plans and policies

Our research revealed that, while many agencies have language services for their employees, not all line workers seem to be familiar with these services; others may choose not to use them. We also found a need for clear employee guidance regarding acceptable and appropriate ways of communicating with limited English proficiency people. A comprehensive language access plan could help an agency address these challenges. According to the DOJ Guidance, the first step toward complying with the requirements of Title VI of the Civil Rights Act is to complete an assessment to determine the language needs of an agency's clients. Such an assessment should analyze the "four factors": demography, frequency of contact, importance, and resources to develop long-term plans for serving people who do not speak English. In addition, agencies should create pragmatic, comprehensive

policies that address their language needs in the short term and facilitate the implementation of long-term accessibility strategies.

5.4 Translate critical written communications into commonly used languages

Efforts to improve language accessibility should include translation of an agency's written communications into the languages commonly spoken by its constituents. In order to prioritize translation efforts and identify languages for translation, agencies should analyze any available data on the languages, countries of origin, and types of services used by their constituents. They might also consider using geographic analysis to determine how many translated materials to print and where to distribute them. Such measures will improve access for LEP people and boost efficiency by relieving staff of the need to translate materials on the spot.