



National Association of Judiciary Interpreters & Translators

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I am writing on behalf of The National Association of Judiciary Interpreters and Translators (NAJIT). NAJIT's mission is to promote quality services in the field of legal interpreting and translating. Our members play a critical role in ensuring due process, equal protection and equal access for non-English or limited English proficient (LEP) individuals who interact with the judicial system.

We write in response to the article ["Prosecutors, alleged victim differ on language-barrier issue in dismissed rape case"](#) from the Chicago Sun-Times dated 1/7/14. We believe that it is well established in American law that persons with limited English proficiency (LEP individuals) are entitled to language assistance in all legal settings, including criminal court, civil court, and quasi-legal administrative settings as established by the Constitution of the United States (Amendments V, VI and XIV), by federal statute (Title VI, Civil Rights Act of 1964), by Executive Order 13166, and by policy of the Administration of President Barack Obama. In fact, the American Bar Association has published the *ABA Standards for Language Access in Courts*, which establish the rational and proper procedure for appointment of interpreters.

It is generally accepted that evaluating a person's language skills should be left to professionals with specialized expertise. Therefore, a request by any party to proceed with an interpreter should be granted, rather than unqualified individuals attempting to quantify a witness's language skills on the spot. Recognizing this and other realities, state and federal governments have established certification or licensing programs and a strict code of ethics that interpreters must adhere to as officers of the court. In many cases, the interests of justice cannot be served without the use of such a qualified interpreter.

Our organization is appalled that a request for an interpreter from an alleged victim in this case was rebuffed in such a way. With so much hanging in the balance--not this case alone, but our entire premise of equal justice--such a decision is incomprehensible. Regardless of the outcome of the pending cases and litigation, we are saddened by the tragedies that have transpired and angered that a simple request for an interpreter, which could have mitigated these outcomes, fell on deaf ears. A tenet of the judiciary interpreting profession is that justice must be blind but it cannot be deaf. Sadly, this case serves as a perfect illustration of why that is so.

We note specifically that the Illinois Criminal Proceeding Interpreter Act requires only that defendants' language ability be assessed. Both that Act and the Rights of Crime Victims and Witnesses Act specifically exclude the right of victims and witnesses whose first or primary language is not English to testify through a spoken-language interpreter. NAJIT condemns this exclusion in the strongest possible terms, and calls upon the Illinois state government to ensure due process and equality for all persons who come into contact with the Illinois state court system as prescribed by the aforementioned laws, directives and mandates.

We welcome our obligation to promote the best practices for our profession and to ensure that our members continue this vital role as part of the justice system. Education is the key to preventing future incidents like this one and we will continue to serve as a resource to further that education.

Sincerely,

A handwritten signature in black ink, appearing to read "Rat" followed by a stylized flourish.