

We fully agree that there is a great need for linguistic services for non-English and limited English proficient individuals, and applaud your efforts to help alleviate this problem by utilizing the human resources in the community and offering them some training. In many circumstances, Speakeasy will provide these services in an efficient manner. We request, however, that you be certain that the "Guides" are used only for those tasks which they are qualified to fulfill. In particular, it is essential that bilingual individuals who have undergone such minimal training not be assigned to interpret in legal or medical settings. These fields require the services of a qualified and trained interpreter. Failure to ensure a high level of competence in such settings can create very serious problems for all concerned.

Legal interpreting is a highly skilled profession requiring specialized training and experience. Even bilingual individuals who have mastered two languages or speak them at a high degree of fluency are not qualified thereby to provide interpreting services in a legal setting, which demands a full command of technical language, nuance, register and vocabulary. Additionally, there are strict and challenging ethical requirements for legal interpreters. The use of untrained and unqualified individuals in legal settings ranging from police interviews to trials has resulted in miscarriages of justice.

With regard to health and other agencies, the Civil Rights Division of the U.S. Department of Justice has published guidance regarding Title VI and Executive Order 13166 compliance for LEP (limited English proficient) populations. This guidance makes it clear that a lack of professionally trained and qualified interpreters has "...severe drawbacks... The impediments to effective communication and adequate service are formidable." If an agency receives any federal funding, even indirectly, it is obligated to provide competent services. Even if no federal funding were involved, the physical harm that could ensue from the use of an unskilled interpreter is a potential wrong that must be avoided. We are familiar with many instances of errors in medical care due to poor interpretation that have had serious or even fatal consequences.

We are also concerned about your offer to provide documentation for community service hours and college credit. We believe that it is essential that any such documentation clearly indicate the level of training that the individual holds; that the individual served as a volunteer; and that the services provided did not meet current acceptable standards — i.e. through accreditation or certification — for professional legal or medical interpretation (unless, of course, you are fortunate enough to obtain the services of qualified professional individuals for free.)

Thank you for your consideration of this request. I look forward to your response.

Sincerely,
Alexander Rainof, Ph.D.
Chair, Board of Directors

NAJIT'S Response to COR Request for Input on Law Enforcement Plans and Strategies

July 27, 2005

Merrily A. Friedlander, Chief
Attn: Law Enforcement Language Access
U.S. Department of Justice
Civil Rights Division
Coordination and Review Section-NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

The National Association of Judiciary Interpreters and Translators (hereinafter referred to as NAJIT) thanks the Coordination and Review Section of the Civil Rights Division for its continued commitment to Title VI, Executive Order 13166 and the LEP Guidance Policy. The following comments are offered in response to the June 2005 call for input on law enforcement plans and strategies with regard to non-English speakers or limited English proficient persons. Our aim is to provide practical input so that DOJ and law enforcement work can be carried out effectively where languages other than English are involved.

NAJIT believes that competent language service is a crucial component of 21st century law enforcement. We are most interested in ensuring competence and effective service to local and national law enforcement agencies. It is our firm belief that to protect officer and public safety, language services should be fortified and brought to a professional level whenever possible. Indeed, incompetent language service can put more people in harm's way. Every effort should be made to identify appropriate language providers and to compensate them fairly. After qualified personnel have been identified, law enforcement should make every effort to use them.

Our research shows that in the absence of guidance, knowledge or resources, law enforcement agencies may administer language services in a haphazard or nonprofessional way. Where agencies see no need to develop qualification procedures for language service providers, they rely on a slipshod, scattershot approach, or outsource the administration of such procedure to others, with unsatisfactory results. As a result, language intermediaries may lack linguistic competence, be unaware of their role, or have no training or preparation for the tasks they are asked to perform. When this happens, everyone loses.

In an effort to produce a much-needed model policy for law enforcement, a committee was created by a Sheriff's Office in Ohio, assisted by an advisory board. The Committee's aim was to suggest workable policies and standards for law enforcement. Police officers, sheriffs, officers of public safety, attorneys, language administrators and linguists worked together from 2002-2004. The result was a groundbreaking model LEP policy for law enforcement, hereinafter referred to as the **Summit/Lorain Project**. Final results can be found at: www.co.summit.oh.us/sheriff/LEP.pdf

NAJIT strongly recommends that the **Summit/Lorain Project** now be formally endorsed by the DOJ as a model policy for law enforcement. We recommend that the link to the document be distributed and made easily accessible to all law enforcement agencies at the federal, state or municipal levels. This document can assist law enforcement agencies as a benchmark for creating their own policy and procedures. Each jurisdiction, depending on its LEP population and resources available, will differ on the nature of steps to be taken, but of utmost importance is that language proficiency be reliably tested for police standards.

NAJIT believes that each agency should be strongly advised to develop a testing and training program in language services to suit its own needs. (Alternatively, the DOJ and law enforcement may rely on existing professional credentials in the fields of translation & interpretation such as NAJIT interpreter certification, ATA translation accreditation,

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The National Association of Judiciary Interpreters and Translators
hereby awards Honorary Membership
to

Ricardo M. Urbina

in recognition and appreciation for your outstanding efforts
to establish excellent interpreting and translating services
in our justice system.

NAJIT 26th Annual Meeting • Washington, D.C.

Alexander Rainof, Ph.D.
May 14, 2005
Chair, Board of Directors

The National Association of Judiciary Interpreters and Translators
hereby awards Honorary Membership
to:

C. Sebastian Aloit

in recognition and appreciation for your many years supporting
judiciary interpreters and translators, our profession,
and our association.

NAJIT 26th Annual Meeting • Washington, D.C.

Alexander Rainof, Ph.D.
May 14, 2005
Chair, Board of Directors



COMMENDATION

WHEREAS THE NAJIT SCHOLARS PROGRAM OF
THE NAJIT 2005 ANNUAL CONFERENCE WAS
AN OUTSTANDING SUCCESS, AND

WHEREAS THE RESEARCH CARRIED OUT BY
THE STUDENT OUTREACH PROGRAM COMMITTEE
WAS ESSENTIAL TO THE NAJIT SCHOLARS
PROGRAM, AND

WHEREAS SAID RESEARCH PROVIDES AN
INVALUABLE FOUNDATION FOR DEVELOPING
AND IMPROVING NAJIT'S RELATIONS WITH EDU-
CATIONAL INSTITUTIONS ACROSS THE UNITED
STATES, AND

WHEREAS THE MEMBERS OF THE STUDENT
OUTREACH PROGRAM COMMITTEE HAVE DEDI-
CATED EXTRAORDINARY EFFORT, CREATIVITY AND
ENERGY TO ACHIEVING THESE SUCCESSFUL OUT-
COMES,

NOW THEREFORE BE IT RESOLVED THAT
THE NAJIT BOARD OF DIRECTORS EXTENDS ITS
SINCERE GRATITUDE TO THE MEMBERS OF THE
STUDENT OUTREACH PROGRAM COMMITTEE:

VANESA IERACI, CHAIR
AMY FREE, SCHOLARS PROGRAM COORDINATOR
ADRIA DAVENPORT, MEMBER
MARCELA RENNA, MEMBER
VIRGINIA SALTZMAN, MEMBER

ALEXANDER RAINOF, PH.D.
JUNE 14, 2005
CHAIR, BOARD OF DIRECTORS

NAJIT'S RESPONSE TO COR REQUEST *continued from page 27*

federal court interpreter certification or state court interpreter certification.) NAJIT and other professional associations stand ready to assist with test development and/or to provide training for law enforcement in how to work with interpreters.

In NAJIT's view, state and federal entities should be required to state their qualification procedures for language service providers. This information should be available on websites as well as in policy and procedure manuals.

In order that law enforcement agencies be in compliance with Title VI, NAJIT recommends that each agency designate a person of policy rank to handle all language-related concerns, including strategic planning. That person can be advised by the Civil Rights Division on relevant concerns and problem-solving strategies.

The Committee's original plan comprised three phases. Phase 1, to produce model policy & procedures manual, is complete. Phase 2, to create a *Language Identification Guide* and other tools, is complete. Phase 3 was

conceived as the implementation phase during which the model would be adapted for local needs. Law enforcement supervisors and facilitators would be trained, and interpreters of many languages would be recruited to work with law enforcement.

We know of no other resource document for law enforcement's language needs developed with all stakeholders in mind. The groundwork has been laid, thanks to the untiring efforts of many. DOJ's endorsement of the **Summit/Lorain Project** would go a long way toward accomplishing the goals of the committee. Law enforcement agencies throughout the country can benefit from this foundation, tailor-design their own programs, and enter without delay into Phase Three.

Sincerely,
Alexander Rainof, Ph.D.
Chair, Board of Directors