

**APPENDIX E**

**July 15, 2022 Technical Assistance Letter  
from the Office of the Illinois Attorney General  
to the Joliet Police Department  
re: Language Access**



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

**KWAME RAOUL**  
ATTORNEY GENERAL

July 15, 2022

**Via Email**

William Evans  
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**Re: Investigation of the Joliet Police Department – Language Access**

Dear Chief Evans,

When the Illinois Attorney General’s Office opened its pattern and practice investigation of the Joliet Police Department (“JPD” or the “Department”), we committed to promptly informing the City of Joliet (“City”) and JPD of serious systemic issues that require immediate attention. We made this commitment with the understanding that the City and JPD would seek to address such concerns as soon as they are identified, rather than waiting until we issue our written findings. Although our investigation is not yet complete, we write to inform you of an issue requiring your immediate attention: JPD’s language access system and practices.<sup>1</sup>

**Background**

More than a quarter of Joliet residents report speaking a language other than English at home.<sup>2</sup> Protecting public safety and ensuring the civil rights of all Joliet residents requires that

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<sup>1</sup> Consistent with our commitment to conducting this investigation in as transparent a manner as possible, we will be posting this letter on our Office’s webpage dedicated to this investigation: <https://www.illinoisattorneygeneral.gov/joliet/>.

<sup>2</sup> U.S. Census Bureau, “Quick Facts: Joliet City, Illinois,” available at <https://www.census.gov/quickfacts/fact/table/jolietcityillinois/POP060210> (last visited July 14, 2022). According to the Census Bureau’s American Community Survey, the vast majority of those residents are Spanish

Joliet police officers engage effectively with language-minority community members.<sup>3</sup> Inadequate language access results in the provision of less effective police services to language-minority community members, limits opportunities for such individuals to assist in the prevention and solution of crime, and invites mistrust between language-minority communities and JPD. Even more urgently, inadequate language access raises immediate safety risks for both the public and officers. It can also lead to serious violations of a person’s constitutional rights.<sup>4</sup>

*Joliet lacks a comprehensive language access program or policy.*

Our investigation has revealed that JPD does not have in place policies, procedures, training, or resources to adequately ensure that JPD members are able to communicate effectively with language-minority community members. During interviews and ride-alongs, we did observe officers who earnestly sought to serve language-minority speakers but the efforts were haphazard, individualized, and lacked adequate institutional support. As detailed below, the City and JPD must immediately assess JPD’s language access needs, work with community members to develop a language access policy, train officers on this policy, and secure and ensure access to sufficient resources to address identified language needs.

*JPD is obligated to provide adequate language access services under federal and state law.*

JPD is prohibited by state and federal law from discriminating on the basis of race, color, or national origin. 42 U.S.C. § 2000d *et seq.* (applied to the Department as a recipient of federal funding through § 2000d-4a(1)(A)); 775 ILCS 5/5-102(C). Title VI of the Civil Rights Act requires federally funded local police departments to ensure “meaningful access” to their services for individuals with limited English proficiency.<sup>5</sup> The Illinois Civil Rights Act similarly protects

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speakers.

*See*

<https://data.census.gov/cedsci/table?q=DP02&t=Language%20Spoken%20at%20Home&g=1600000US1738570&tid=ACSDP5Y2020.DP02>. However, JPD still needs to be able to communicate with language-minority community members who speak a language other than Spanish. U.S. Census Bureau, “C16001, Language Spoken at Home 5 Years and Older,” available at <https://data.census.gov/cedsci/table?text=language&t=Language%20Spoken%20at%20Home&g=0400000US171600000US1738570&tid=ACSDT5Y2020.C16001> (last visited July 14, 2022) (identifying the prevalence of other languages spoken by Joliet residents).

<sup>3</sup> As used in this letter, the term “language-minority” refers to individuals who prefer a non-English language, including individuals who are not proficient or have limited proficiency in reading, writing, or speaking English, and those who may encounter difficulties communicating in English during interactions with law enforcement (such as during stressful or high-risk interactions, or when seeking services that involve complex or specialized terms). The term “limited English proficiency” (“LEP”) is sometimes also used to describe these individuals.

<sup>4</sup> Federal and state disability laws also require JPD to ensure that its members can communicate effectively with people with disabilities, including those who are Deaf or hard-of-hearing or who have speech impairments. Although this letter does not specifically address requirements around effective communication and access for individuals with disabilities, JPD’s language access policy should, at a minimum, acknowledge that JPD must provide sign language interpreters whenever feasible to communicate with an individual who is Deaf and who communicates via sign language, and also cross-reference JPD’s applicable policy on communications access for individuals with disabilities.

<sup>5</sup> *See* U.S. Dep’t of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (“DOJ Guidance”), 67 Fed. Reg. 41,455, 57 (July 18, 2002) at 41,459, available at [https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/fr\\_2002-06-18.pdf](https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/fr_2002-06-18.pdf).

against discrimination by any units of the State in parallel with Title VI.<sup>6</sup> 740 ILCS 23/5. Further, the Illinois Domestic Violence Act specifically requires that an officer provide a potential victim of abuse, neglect, or familial exploitation with immediate and adequate information regarding potential relief and remedies in a language appropriate for the victim. 750 ILCS 60/304(a)(4).

*The absence of a language access policy or adequate language-access resources harms JPD's ability to provide services and erodes community trust.*

We recognize that JPD has made efforts to make bilingual officers available to interpret during interactions with Spanish speakers. We also recognize the City and Department have made efforts to recruit Spanish-speaking officers.<sup>7</sup> However, current resources are insufficient—particularly in the absence of any language access policy. Based on our observations and interviews, we have serious concerns that the Department fails to consistently ensure meaningful access to police services for language-minority community members. We have learned that a number of JPD officers rely on applications like Google Translate for interpretation, including during riskier late-night interactions. At times, officers have also unsuccessfully sought to identify an on-shift officer with the requisite language skills. Officers also rely on witnesses or family members for interpretation; as discussed in Section 2 below, best practices strongly discourage the use of witnesses and family members as interpreters. We have also heard conflicting reports regarding officers' awareness of, access to, and use of the 911 Communication Center's 24/7 Language Access line.

As a result, JPD officers are not equipped to adequately communicate with the individuals they encounter in traffic stops and other law enforcement interactions. Miscommunications based on a lack of language access can create evidentiary and safety risks for both community members and officers: community members cannot comply with legal directives that they do not understand.

Inadequate language access also erodes community trust. For example, JPD's failure to consistently provide Spanish-language assistance, despite the large number of Joliet residents who speak Spanish as their primary language, has caused hesitation among many community members to report issues and crimes or otherwise interact with JPD. This is particularly harmful to JPD's ability to build trust with immigrant communities in Joliet, where residents may already be hesitant to interact with law enforcement because of immigration-related concerns, including deportation, for themselves, their families, or their neighbors.

Finally, the inability to communicate with JPD impedes community members' exercise of their rights and can create liability for JPD. For example, a community member who needs to secure a police report for legal proceedings, including, for example, orders of protection in cases involving domestic violence and abuse, may be unable to do so if no JPD officer or staff member is available who can understand the request. As noted above, failure to provide this information in a language appropriate for the victim violates the Illinois Domestic Violence Act. Similarly, if

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<sup>6</sup> The Illinois Civil Rights Act's prohibitions on discrimination parallel those of Title VI. *See e.g., Weiler v. Vill. of Oak Lawn*, 86 F. Supp. 3d 874, 889 (N.D. Ill. 2014).

<sup>7</sup> JPD police officer applicants are eligible for preference points if they can demonstrate proficiency in a non-English language spoken by at least 5% of the City's population. Board of Fire and Police Commissioners Ch. III, Sec. 7. According to Census data, Spanish is the only non-English language spoken by at least 5% of the population of Joliet.

JPD's inadequate language access interferes with its ability to timely complete a U-Visa or T-Visa certification form request from a victim of domestic violence or other qualifying criminal activity, JPD may be subject to investigation or enforcement actions under the Illinois VOICES Act. *See* 5 ILCS 825/30.

In sum, this issue is urgent. Below we outline recommendations to address some of the major deficiencies in language access services that prevent the Department from communicating effectively with all community members. This list is not exhaustive, but rather sets out the most critical concerns that JPD should address promptly. We urge the City and JPD to invest time and resources, including by engaging external expertise and working with community members, into developing a language access policy and accompanying training.

### **Recommendations**

As explained above, both federal and state law require JPD to provide meaningful access to its services to all individuals, including language-minority community members. To meet this obligation, we strongly urge JPD and the City to take the following five steps immediately, and, going forward, to implement additional measures as necessary to consistently ensure equitable language access. *First*, JPD must analyze the language needs of the communities it serves. *Second*, in accordance with best practices, JPD must develop and implement a comprehensive language access policy. *Third*, JPD must invest resources in qualified in-person interpretation, including training officers and staff who have skills in languages other than English to become qualified interpreters. *Fourth*, JPD must provide translation of Department written materials. *Fifth*, JPD must expand the use of the 24/7 language line. These five steps are detailed below.<sup>8</sup>

#### *1. JPD must conduct an analysis of language needs.*

At the outset, JPD should analyze current language needs in the communities it serves and assess its obligations to provide services. In its guidance on the implementation of Title VI, the Department of Justice recommends an individualized assessment that balances the following four factors:<sup>9</sup>

- (1) The number or proportion of individuals with limited English proficiency eligible to be served or likely to be encountered by the program;
- (2) The frequency with which individuals with limited English proficiency come into contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the program to people's lives; and
- (4) The resources available to the recipient and costs.

Publicly available information is a starting point for this analysis. The American Community Survey estimates 27.4% of community members in Joliet speak a language other than

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<sup>8</sup> Additional guidance on how JPD can meet its obligations and use its resources efficiently can be found online. *See, e.g.*, [https://www.dhs.gov/sites/default/files/publications/lep-resource-guide-law-enforcement\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/lep-resource-guide-law-enforcement_0.pdf) ("LEP Resource Guide for Law Enforcement") and <http://go.usa.gov/4Knx> ("DHS Title VI LEP Guidance").

<sup>9</sup> *See* DOJ Guidance 41,459–61.

English at home.<sup>10</sup> Census data shows that Spanish speakers constitute the largest such group in the Joliet area, and also that thousands of Joliet residents speak other languages at home.<sup>11</sup> JPD is obligated to serve individuals regardless of what language they speak, but such an analysis will assist JPD in assessing how to cost-effectively meet their needs (for example, whether to hire bilingual staff or contract with an interpretation service for a particular language need).<sup>12</sup>

In addition to reviewing publicly available information and its own data, JPD should consult with community groups, service providers, and other agencies (such as school systems) who are likely to have relevant information or who can assist in identifying language groups and communities in Joliet.<sup>13</sup> Analysis of the prevalence of language-minority communities can assist JPD in identifying the shifts and geographic areas where JPD should focus efforts to ensure that a qualified interpreter (such as a trained bilingual officer) is available for in-person assistance.

JPD must also analyze the types of language needs that exist—interpretation in some circumstances or written translation of material in others. Both types of needs must be assessed.

Finally, a thorough, well-executed analysis will help JPD identify the most cost-effective ways to provide the required services. Given the essential nature of JPD’s services, it is essential that JPD devote adequate resources to language access. We are sensitive to the fact that JPD’s resources are not unlimited. However, policing often requires the very highest levels of quality and accuracy in communication because of the stakes involved.<sup>14</sup> Fortunately, many of the resources highlighted in this letter (such as training and deploying bilingual personnel, developing language identification cards, and using a language line) are not cost prohibitive.

## 2. *JPD must develop a language access policy.*

Following an analysis that include the above considerations, JPD must develop a written policy for providing language access services.<sup>15</sup> The policy should specify procedures for securing interpreters and other language assistance in JPD’s interactions with language-minority community members. The policy should require that JPD make available whenever feasible either (1) a qualified bilingual member of the Department or (2) qualified interpreters in a community member’s primary language (via a qualified in-house or contract interpreter or telephonic interpreter, as appropriate).<sup>16</sup> Comprehensive language access policies provide for interpretation services during witness and crime victim interviews and interrogations as well as for document translations. *See* Sections 3 and 4 below.

As a corollary to the above, any policy should strongly discourage reliance on non-qualified interpreters—including unqualified department members or on-scene friends, family

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<sup>10</sup> *See supra* note 2.

<sup>11</sup> *See id.*

<sup>12</sup> *See* DOJ Guidance 41,461–62.

<sup>13</sup> *Id.* at 41,460.

<sup>14</sup> *Id.* at 41,461.

<sup>15</sup> *Id.* at 41,464 (explaining why funding recipients can best meet their obligations through a written plan).

<sup>16</sup> *Id.* at 41,461–62.

members, or witnesses—except in limited, clearly defined circumstances.<sup>17</sup> Further, the policy should provide a procedure for the identification of an individual’s primary language, including via language identification cards.<sup>18</sup> The policy must also provide guidance to officers regarding how to make the determination that language assistance is necessary; an individual’s level of proficiency or comfort in English may not always be immediately obvious, and officers will need training to identify indicators that an interpreter is necessary. The policy must also convey to officers and staff that utilizing language access resources is not only encouraged by the Department but required.

For any policy to be effective, JPD must provide training to all Department members. Training of supervisors and field training officers (“FTOs”) is especially important. Supervisors will not only be involved in securing language resources for officers under their command, they will also be critical to assessing whether language needs are actually being met and whether JPD’s policy is working. FTOs will be essential to training new officers on the use of language access resources, as well setting a tone that officers should not hesitate to use such resources when needed. JPD must also ensure adequate management of the policy, ideally by identifying a Language Access Program Coordinator.<sup>19</sup> The Coordinator will also direct the collection and review of data on usage and outcomes and facilitate annual review and, if necessary, updating of the policy.<sup>20</sup>

Finally, JPD’s language access policy should specifically address staffing of bilingual officers. We recognize that JPD is already increasing the number of bilingual officers by actively recruiting Spanish speakers. Guidelines for deploying qualified bilingual officers should be integrated into JPD’s language access policy.

We encourage JPD to use the development of this policy as an opportunity to engage meaningfully with community members, especially those from Spanish-speaking and immigrant households in Joliet, consistent with recommendations in the federal guidance.<sup>21</sup> Community organizations in Joliet that regularly serve language-minority community members can also provide valuable insight into the development and implementation of a language access policy.

*3. JPD must invest resources in qualified in-person interpretation, including by training officers and staff with non-English capabilities as qualified interpreters.*

JPD must devote adequate resources to providing qualified in-person interpretation, particularly in Spanish, for important services or interactions. We urge JPD to train current

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<sup>17</sup> *Id.* at 41,462 (stating that using family members or friends as interpreters raises concerns about competency, confidentiality, and conflict of interest and should be avoided except in limited circumstances).

<sup>18</sup> Language identification cards provide translation in several languages of a phrase similar to the following: “Point to your language. An interpreter will be called. The interpreter is provided to you at no cost.”

<sup>19</sup> See District of Columbia, Metropolitan Police, General Order: Language Access Program (“DC Plan”) 2, available at [https://go.mpdconline.com/GO/GO\\_304\\_18.pdf](https://go.mpdconline.com/GO/GO_304_18.pdf); Baltimore Police Department, Language Access Services for Limited English Proficient Persons (“Baltimore Plan”) 10, available at <https://public.powerdms.com/BALTIMOREEMD/documents/263398#:~:text=When%20performing%20law%20enforcement%20functions,be%20provided%20free%20of%20charge>.

<sup>20</sup> See, e.g., Baltimore Plan, 10; Tucson Police Department, Limited English Proficiency Plan (“Tucson Plan”) 11, available at [https://www.tucsonaz.gov/files/police/Tucson\\_Police\\_LEP\\_Plan\\_2019.pdf](https://www.tucsonaz.gov/files/police/Tucson_Police_LEP_Plan_2019.pdf).

<sup>21</sup> See DOJ Guidance 41,465

bilingual officers and/or staff as qualified interpreters.<sup>22</sup> JPD currently has a number of officers who were certified bilingual as part of the hiring process, and others who, while not certified, possess significant abilities in a language other than English. These officers are an excellent starting point for JPD, but it is important to remember that fluency alone does not make a person a skilled interpreter. Interpretation involves different techniques and principles that must be taught.<sup>23</sup> In order to serve as a qualified interpreter for the Department, officers or staff must receive training and certification, which should include topics that more broadly encourage cultural sensitivity, including immigration issues.

JPD should ensure that in-person interpretation is available to officers and community members across as many shifts and districts as possible, especially in areas with a higher population of language-minority community members.<sup>24</sup> Depending on how long JPD anticipates it will take to provide the necessary training or certifications for existing staff, JPD may need to hire staff interpreters or contract with an interpretation service in the short term. JPD should develop a system for identifying when qualified interpreters with language capabilities are on shift and notifying dispatch and other officers of their availability. Additionally, JPD should train supervisors on how bilingual officers should best be deployed to provide assistance.

When feasible, officers trained as qualified interpreters should serve as the first option for officers interacting with language-minority speakers. Reliance on a qualified interpreter is especially imperative during investigations due to the potential for violations of constitutional rights.<sup>25</sup> Moreover, in-person interpretation, via JPD-provided qualified interpreters, can foster better relationships with community members and help build community trust. In-person interpretation may also reduce safety concerns that are a side effect of the inability to communicate in a shared language.

JPD should also ensure that non-sworn staff are able to provide meaningful language access. JPD should either hire or train qualified interpreters to serve in the reception area, records office, and public information office, among others, or provide them with ready access interpretation or translation services, as appropriate. This way, language-minority members of the public can avail themselves of all of JPD's services—not just emergency services—and also effectively exercise all of their rights.<sup>26</sup>

*4. JPD must provide adequate and appropriate translation of written materials.*

As explained above, JPD must assess the need for written translation as part of its language access analysis. Given the large number of Spanish speakers in Joliet, any documents that are vital

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<sup>22</sup> See, e.g., Tucson Plan 5; Baltimore Plan at 3; DC Plan at 2.

<sup>23</sup> See Baltimore Plan at 3.

<sup>24</sup> For example, we understand that many Spanish speakers reside in the Forest Park neighborhood, yet, to our knowledge, there are no Spanish-speaking officers regularly assigned to this area.

<sup>25</sup> See DOJ Guidance 41,460 (describing the importance of being able to communicate rights to an individual who is arrested) and 41,469 (describing how custodial interviews or interrogations of unrepresented persons triggers constitutional rights surrounding the individual's ability to communicate effectively).

<sup>26</sup> See Tucson Plan at 7.



to ensuring meaningful access to police services must be translated into Spanish.<sup>27</sup> This may include *Miranda* warnings, arrest reports, witness interviews, and interrogations, or any form used to obtain an individual's consent or waiver of any right. Other important informational documents, such as information on recovering seized property or general information about citizens' rights, should also be available in Spanish and other languages as needed.<sup>28</sup> Based on the results of Joliet's language access analysis, JPD must also develop a plan to translate vital written materials into other languages or to ensure that this information will be transmitted through competent oral interpreters when needed.<sup>29</sup>

5. *In addition to providing access to in-person oral interpreters, JPD must expand officer and staff access to the 24/7 language line.*

A qualified, in-person interpreter is the preferred method of ensuring accurate communication. However, even after JPD has implemented a robust plan for addressing language needs, situations will arise in which an appropriate interpreter is unavailable in person at a particular time or for a particular language. In those situations, JPD officers and staff will need secure, direct (i.e., not through a dispatcher) access to a 24/7 language line. This is particularly critical for avoiding improper reliance on informal interpreters, including family members. It may also be appropriate in circumstances where the typical mode of communication is over the phone (such as answering telephone inquiries).<sup>30</sup>

### **Resources and Best Practices**

The resources below are a starting point for reforming language access at JPD. These materials can help you identify further issues and assist as you assemble the information and tools to design a better language access system.

- U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, [https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/fr\\_2002-06-18.pdf](https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/fr_2002-06-18.pdf)
- District of Columbia, Metropolitan Police, General Order: Language Access Program, [https://go.mpdconline.com/GO/GO\\_304\\_18.pdf](https://go.mpdconline.com/GO/GO_304_18.pdf)
- Tucson Police Department, Limited English Proficiency Plan, [https://www.tucsonaz.gov/files/police/Tucson\\_Police\\_LEP\\_Plan\\_2019.pdf](https://www.tucsonaz.gov/files/police/Tucson_Police_LEP_Plan_2019.pdf)
- Baltimore Police Department, Language Access Services for Limited English Proficient Persons, <https://public.powerdms.com/BALTIMOREMD/documents/263398#:~:text=When%20performing%20law%20enforcement%20functions,be%20provided%20free%20of%20charge>

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<sup>27</sup> See DOJ Guidance at 41,463

<sup>28</sup> See Tucson Plan at 7; Baltimore Plan at 8; DC Plan at 8.

<sup>29</sup> See DOJ Guidance at 41,464.

<sup>30</sup> *Id.* at 41,462.

Our investigation is ongoing, and we will provide a report of our findings when it is complete. We look forward to highlighting JPD's progress toward a successful language access system in that report, and we urge the City and JPD to begin that process as soon as possible.

For the State of Illinois,

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