



U. S. Department of Justice

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April 25, 2024

VIA EMAIL

Member Agencies of the Washington Association of Sheriffs and Police Chiefs
Sent through Steven Strachan, Executive Director, WASPC
steve@waspc.org

Re: Information Regarding Law Enforcement Agencies' Communication Obligations

Dear Law Enforcement Agency,

The Department of Justice ("DOJ"), through the United States Attorney's Offices for the Western District of Washington and the Eastern District of Washington in partnership with the Civil Rights Division, are writing to share some ways that law enforcement agencies can ensure communication barriers do not result in the denial of equal benefits and services to individuals with disabilities or limited English proficiency ("LEP"). DOJ enforces federal civil rights statutes, including the Americans with Disabilities Act ("ADA") and Title VI of the Civil Rights Act, both of which provide protections for people who may need communication assistance.

As a partner in providing everyone with equal access to law enforcement services, we would like to share these reminders and resources to support you in ensuring compliance with federally mandated standards when communicating with individuals with disabilities and LEP.

1. Ensuring Effective Communication for People with Disabilities

Under Title II of the ADA, law enforcement agencies must provide the communication aids and services needed to effectively communicate with people with a hearing, vision, or speech disability (*i.e.*, deaf, deaf-blind, or hard of hearing). *See* 42 U.S.C. §§ 12131-34, and the DOJ's implementing regulation, 28 C.F.R. Part 35.¹ Over the past several years, DOJ has

¹ In addition, please note that the State of Washington also expressly requires law enforcement to provide a qualified interpreter for people with hearing impairments whenever they are being interviewed whether as a victim, witness, or suspect. *See* RCW 2.42.120.

received several complaints from individuals with hearing, vision, or speech disabilities that law enforcement agencies have not been timely providing appropriate auxiliary aids and services to ensure effective communication during their interactions. In some cases, DOJ investigated and reached a settlement to address failures to provide for effective communication with individuals with hearing disabilities.²

To assist you in taking steps to comply with federal obligations, here are some resources:

- **“Communicating with People Who are Deaf or Hard of Hearing - ADA Guide for Law Enforcement Officers”** (Updated 2020), available at <https://archive.ada.gov/lawencomm.htm>:

This technical assistance provides information about the ADA obligations of law enforcement officers to provide for effective communication. This publication includes:

- Types of communication aids and services, including devices and interpreters;
 - Practical suggestions for officers to communicate effectively with individuals who have a hearing, vision, or speech disability; and
 - Examples of situations that require an interpreter.
- **“Commonly Asked Questions about the Americans with Disabilities Act and Law Enforcement”** (Revised 2020), available at https://archive.ada.gov/q&a_law.htm:

This publication addresses questions about interacting with people who have a variety of disabilities, including individuals with a hearing, vision, or speech disability. It includes examples that highlight various situations in which a law enforcement officer may be interacting with a person with a hearing, vision, or speech disability and explains the officer’s duties in each scenario. Please pay special attention to the following points addressed in this publication and illustrated by examples:

- Officers are required by the ADA to ensure “effective communication” with individuals who are deaf or hard of hearing.

² See e.g., “DOJ and Whatcom County resolve multiple complaints regarding violations of the Americans with Disabilities Act,” available at <https://www.justice.gov/usao-wdwa/pr/doj-and-whatcom-county-resolve-multiple-complaints-regarding-violations-americans>; “DOJ and Vancouver Police Department resolve alleged violations of Americans with Disabilities Act,” available at <https://www.justice.gov/usao-wdwa/pr/doj-and-vancouver-police-department-resolve-alleged-violations-americans-disabilities>. In March 2024, DOJ finalized two additional voluntary settlements with the Everett Police Department and the Clallam County Sheriff to resolve two more recent complaints, both alleging failures to provide ASL interpretation.

- In providing necessary auxiliary aids or services, the ADA requires that the expressed choice of the individual with the disability, who is in the best position to know her or his needs, should be given “primary consideration” in determining which communication aid to provide. Although the ultimate decision rests with the police department, the department should honor the individual's choice unless it can demonstrate that another equally effective method of communication exists.
- Officers should use qualified sign language interpreters when necessary for effective communication and as soon as it is safe to do so.
- Whether an interpreter is required depends on the length, importance, and complexity of the communication.
- If an interpreter is necessary, officers should not rely upon family members, who are likely to have emotional connections with the individual, unless there is an emergency involving an imminent threat to someone’s safety or welfare and no other interpreter is immediately available.
- Law enforcement agencies should have interpreters available on call, which can be accomplished through a sign language interpreter service. Law enforcement agencies should use an interpreting service that is familiar with the vocabulary and terminology of law enforcement.

Additional information about the ADA is available at www.ada.gov, including the ADA statute and regulations; design standards; additional technical assistance; and enforcement information.

2. Ensuring Meaningful Access for Individuals with LEP

Title VI of the Civil Rights Act similarly provides that entities receiving federal financial assistance, including many law enforcement agencies, ensure meaningful access for individuals with LEP. DOJ recently reached an agreement with the King County Sheriff’s Office (“KCSO”) under Title VI to improve language access services for individuals with LEP.³

In addition, as part of its Law Enforcement Language Access Initiative (“LELAI”) to assist law enforcement agencies in meeting their obligations to provide meaningful language assistance to individuals with LEP, the Assistant Attorney General for the Civil Rights Division, Kristen

³ See “Justice Department Secures Language Access Agreement with Sheriff’s Office in Washington State,” available at <https://www.justice.gov/opa/pr/justice-department-secures-language-access-agreement-sheriffs-office-washington-state>.

Clarke, released a letter to all state and local law enforcement agencies on December 12, 2023 about the steps that law enforcement agencies can take to ensure accurate and timely communication with individuals with LEP. This letter also lists resources to assist law enforcement agencies with this effort. The letter is enclosed and available at https://www.lep.gov/sites/lep/files/media/document/2023-12/2023%2012%2011%20LELAI%20Ltr%202%20LEAs%20FINAL_508.pdf.

Resources that law enforcement agencies can use to develop and improve their language access services include:

- **COPS Training Portal**, available at <https://copstrainingportal.org/project/overcoming-language-barriers-in-policing/>:

This training and resource portal for law enforcement agencies, hosted by the National Center for Policing Innovation, a grantee of the DOJ's Office of Community Oriented Policing Services ("COPS"), includes a recorded training for law enforcement, FBI advice of rights forms in over 40 languages, an Español for Law Enforcement online course and standardized glossary, and other resources. It is periodically updated with additional resources. Law enforcement agencies are encouraged to create an account and make free use of the portal.

- **LEP Resource Guide for Law Enforcement** (2013), available at https://www.dhs.gov/sites/default/files/publications/lep-resource-guide-law-enforcement_0.pdf:

This brief guide from the U.S. Departments of Justice and Homeland Security provides an overview of strategies, tips, and resources for ensuring language access for individuals with LEP.

- **Overcoming Language Barriers: Solutions for Law Enforcement** (2007), available at https://www.lep.gov/sites/lep/files/resources/vera_translating_justice_final.pdf:

This publication from the COPS and the Vera Institute of Justice discusses real examples of how various law enforcement agencies of different sizes and in different types of jurisdictions ensure language access through planning, training, recruiting, and pooling resources.

These, and additional information about Title VI and language access, are available at www.lep.gov/law-enforcement.

In addition to this letter, we look forward to discussing this topic with many of you at the WASPC Conference in May. We also are planning a broader and more comprehensive training on

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this issue for the WASPC Conference in November.

We hope the information in this letter will be useful to you and will help us work together to provide your personnel the communication training and tools they need to provide a safe and just community for everyone.

Sincerely,

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cc: Kristen Clarke, Assistant Attorney General, Civil Rights Division
Christine Stoneman, Chief, Federal Coordination and Compliance Section, Civil Rights
Division
Rebecca Bond, Chief, Disability Rights Section, Civil Rights Division

enclosure