

## Access to Justice for Immigrants Who Are Victimized: The Perspectives of Police and Prosecutors

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*The increased diversity of the U.S. population poses special challenges to the criminal justice system. High levels of immigration to the United States within the past decade require that law enforcement and court organizations understand the concerns of crime victims who are recent immigrants, and facilitate meaningful access to the justice system. Employing survey methodology, this research describes the barriers that immigrants encounter in accessing justice, as they emerged from the responses of police chiefs and prosecutors in the 50 largest cities of the United States. Criminal justice officials believe that failure to report crimes and to cooperate in their prosecution is a significant problem, especially for domestic violence offenses. The results suggest that many metropolitan areas have made some efforts to promote participation of immigrant victims in the criminal justice system. But far more needs to be done to ensure access to justice for this growing segment of society.*

It is axiomatic that the criminal justice system functions more effectively with the support and cooperation of citizens. Citizen reports are commonly the reason that criminals are apprehended, and victim cooperation is often essential for successful prosecution. Yet, it is clear that citizens/victims often choose not to notify authorities, and, therefore, many crimes go unreported. For example, according to victimization surveys, only half of robberies and burglaries in the U.S. are reported to the police (Skogan, 1984). Failure to report crimes appears only minimally associated with membership in various demographic groups (Skogan, 1984). However, reporting has been shown to be a function of previous experiences with the police when reporting victimization (Conaway & Lohr, 1994; Skogan, 1994).

have experienced difficulty assimilating. Furthermore, incoming immigrants often enter the United States without any professional skills and educational attainment. In Southeast Asia refugee populations, for instance, educational levels have ranged from the highly educated elite to preliterate tribesmen (Goode & Schneider, 1994). Cultural differences have been substantial because many recent immigrants come from rural areas in developing countries and are unfamiliar with life in an urban modern society (Thuy, 1986).

Social service agencies have responded to the needs of recent immigrants and developed culturally specific practice guidelines for working with ethnically diverse clients (Greene, Jensen, & Jones, 1996; Longres, 1991). There are also extensive programs that address refugee resettlement, entitlement, and immigration status issues (Drachman, 1992, 1995; Hulewat, 1996; Nah, 1993). Many local and national agencies, such as Travelers Aid, were established for the exclusive purpose of assisting immigrants.

Recently, criminal justice agents have begun to appreciate the importance of proper criminal justice response to persons involved in criminal incidents who are recent immigrants (Lumb, 1995; Shusta, Levine, Harris, & Wong, 1995). Historically, relations between police and ethnic minorities have been fraught with problems of insensitivity, misunderstanding, and miscommunication (e.g., Song, 1992; Trojanowicz & Bucqueroux, 1990). A recent national survey conducted for the National Institute of Justice (McEwen, 1995) revealed, however, that cultural diversity has become a prominent concern of police administrators. Results showed that 9 in 10 police chiefs had strategies for working with different cultural groups in their communities. Those who did not have strategies in place wanted to develop a system for working with diverse populations. McEwen concluded that the diverse cultural makeup of many communities requires new strategies, such as recruiting bilingual officers, training field personnel in cultural sensitivity, and offering foreign language training to officers.

There are reasons to believe that it is important for criminal justice officials to make special efforts to encourage immigrants to report crimes and assist in their prosecution. It has been noted that recent immigrants who become victims face significant barriers to involvement in the criminal justice system. For example, many immigrants have had negative experiences with authorities in their country of origin (Pogrebin & Poole, 1990a). These perceptions of authorities as oppressors may be transferred to officials in the United States in the absence of any direct experience with authorities in this country. When they do have contact with police here, the contact may be perceived as negative because of misunderstandings arising from cultural or

In examining completed questionnaires, we noted that questionnaires were returned predominately from larger cities, especially those in California and Texas, where immigrant population and awareness of immigrant problems are high. Five officials from medium-sized Midwestern cities spontaneously explained that the issues raised in the survey were not a concern for them because their cities had small immigrant populations.

The survey consisted of sections on the following: (a) underreporting of crimes (e.g., Are recent immigrants more/less likely to report than others? Is underreporting concentrated among specific groups of immigrants? Which crimes are most likely to be underreported?); (b) consequences of underreporting (Does underreporting represent a problem for the criminal justice system? How is it a problem?); (c) reasons for reluctance to cooperate with criminal justice authorities (Do recent immigrants face greater or lesser social pressure to cooperate? Do they face greater barriers to reporting crimes and coming to court?); and (d) efforts of the criminal justice system to ease barriers (Are there special programs for immigrants? Is there staff training on immigrant issues? What efforts are being made to mitigate language problems?).

## RESULTS

### Crime Reporting by Recent Immigrant Victims

In response to our question whether recent immigrants were more or less likely to report crimes than other crime victims, two thirds (67%) of the officials stated that they believed that recent immigrants reported crimes less frequently than other victims. Only 13% of the respondents thought that recent immigrants were as likely or more likely to report crimes (20% had no opinion). When officials were asked the basis of their belief about immigrant crime-reporting behavior, half of the respondents indicated that they had formed their belief based on statements of community leaders. Personal experience, the media, and police data were also mentioned as often as other sources of officials' beliefs about immigrant crime reporting.

Respondents were asked to identify particular groups of immigrants for whom underreporting was an especially acute problem. We first asked whether officials believed that underreporting was a particular problem among undocumented immigrants. Only 13% believed that underreporting was confined to undocumented immigrants, whereas 58% believed that it was more widespread (28% held no opinion). We then asked whether underreporting was particularly common among the following particular

**Table 1: Responses by District Attorneys and Chiefs of Police of the 50 Largest U.S. Cities to Survey Asking if Underreporting Is Especially Widespread Among Particular Ethnic Communities (*N* = 60)**

<i>Ethnic Group</i>	<i>% of Agencies Answering Affirmatively</i>
African	10
Asian	55
Caribbean	15
European	7
Latino	48
Middle Eastern	20

**Table 2: Responses by District Attorneys and Chiefs of Police of the 50 Largest U.S. Cities to Survey Asking Which Crimes are Most Likely to be Underreported by Recent Immigrants (*N* = 60)**

<i>Type of Crime</i>	<i>% of Agencies Answering Affirmatively</i>
Domestic violence	39
Sexual assault	6
Gang violence	23
Extortion	5
Robbery	4
Burglary	2
Property damage	5

problem, and 21% had no opinion. One Midwestern police department official stated,

The less crime reported, the better. Not reporting causes problems for the victim, not the criminal justice system.

### Reasons for Lesser Cooperation by Immigrant Victims

Respondents were asked whether they believed that recent immigrants faced different pressures than other crime victims to cooperate or not to cooperate with authorities. The majority felt that they did; more than half (57%) responded that recent immigrants faced greater pressure, 18% responded that there was no difference, and 8% felt that immigrants faced less pressure (18% had no opinion). Reasons suggested for the greater pressure on immigrants included fear of becoming involved with the authorities and

They don't understand the laws or the system. The system lacks interpretive services and cultural sensitivity. Immigrants also fear deportation and are subject to prejudice.

### Efforts of the Criminal Justice System to Ease Barriers

We asked officials to specify what they were doing about the problems faced by recent immigrants and to list special programs, practices, or procedures their offices have in place for immigrant victims. More than half of the respondents (53%) stated that they had special programs for immigrants. Prosecutorial agencies were more likely to have special programs for recent immigrant victims, whereas police departments were more likely to report holding regular meetings with leaders of ethnic communities (see Table 3).

The most frequent type of program to accommodate immigrant victims was multilingual assistance or translators, accounting for 75% of responses. For example, in some precincts of a large metropolitan police department, receptionists speak the language of immigrants in the community and aid victims in reporting offenses. Other police and district attorney agencies reported increasing the number of ethnic staff to better serve immigrant victims.

About one quarter of the programmatic efforts to accommodate immigrant victims involved outreach to various immigrant communities. For example, a West Coast police department routinely makes outreach attempts to provide assistance to Southeast Asian victims. Similarly, an Eastern district attorney's office reported that it had established

a Southeast Asian project that has two victim/witness coordinators—one Vietnamese and one Cambodian. These persons go into the community and explain the services available; they also work in conjunction with the police department to give workshops on how to access our emergency services.

Four in 10 respondents reported that their organizations had special training programs for staff in sensitivity to the needs of recent immigrants. Training programs encompassed both new staff and in-service training for existing staff. One in three (29%) officials stated that recent immigrants would receive special treatment by their staff in the form of in-depth explanations of the workings of the justice system to remedy deficits in understanding.

Respondents indicated that interpreters were readily available, usually onsite for some common languages and by arrangement for many others. Spanish interpreters were universally available at agencies in the sample.

of the U.S. justice system were seen as the most significant barriers to full participation. A majority of respondents thought that recent immigrants felt pressure from family and friends not to cooperate with authorities. Although illegal immigrants who are crime victims might fear deportation, only one of the respondents in our study said that their agency's policy required them to report illegal immigrants to Immigration and Naturalization Service (INS).

Police and prosecution officials demonstrated knowledge about ethnic groups and the types of crimes that were likely to go unreported. Officials believed that domestic violence is the most underreported crime. In many cases, immigrant women are particularly vulnerable to abuse if they have to rely on their spouses to obtain visas or for economic support (Huisman, 1996; Yick & Agbanyani-Siewart, 1997). Anecdotal evidence suggests that immigrant and refugee women are typically afraid to turn to the police (Jang, Lee, & Morello-Frosch, 1990).

We found that criminal justice officials in some cities had begun to take steps to encourage the participation of immigrant victims in the criminal justice process. Prosecutors tended to have special programs for immigrant victims, especially assistance with language difficulties. Police tended to work with citizen committees representing immigrant communities. Both types of organizations were likely to have informational brochures available in several languages.

But, our research suggests that both prosecutors and police could do a lot more to encourage immigrant participation in the justice system. For example, the literature suggests that mistrust of police imported from immigrants' countries of origin is a prime deterrent to requesting assistance from the police (e.g., Maglizza, 1985). This would suggest that outreach efforts to immigrant communities would be important to educate them on the role of the police in the United States. Yet, we found that only a small minority of police and prosecutorial agencies engaged in such educational efforts.

Similarly, cultural sensitivity training was reported by a minority of respondents. In some instances, organizations had gone out of their way to hire and train staff of particular ethnicities to accommodate immigrant communities. Such examples seemed to reap significant benefits in terms of gaining trust, but they were unusual in our sample.

Social services agencies have a long history of assisting immigrants, and as our society becomes increasingly diverse, it is important for the criminal justice system to follow suit. Criminal justice officials should seize the opportunity to ensure that all individuals receive equal treatment and are given the resources to encourage and facilitate access to, and meaningful participation in, the criminal justice system.

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