

U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

Via Certified Mail Return Receipt Requested

October 14, 2008

Cathy L. Lanier
Chief of Police
District of Columbia Metropolitan Police Department
300 Indiana Avenue, NW
Washington, DC 20001

**Re: Limited English Proficiency Compliance Review Report
District of Columbia Metropolitan Police Department (07-0CR-0118)**

Dear Chief Lanier:

I am writing to report the findings of the Compliance Review for language access services at the District of Columbia Metropolitan Police Department (MPD) conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice (DOJ). During the week of May 15, 2007, a team of OCR attorneys conducted the onsite phase of the review. I would like to thank you and your staff, especially Mr. Enrique Rivera-Torres, Program Manager of the Strategic Planning Division, for so graciously assisting the review team during the visit.

In my letter dated February 22, 2007, I informed you that the OCR had selected the MPD for a Compliance Review under Title VI of the Civil Rights Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) and their implementing regulations. As I noted at that time, the OCR limited the scope of the review to the MPD's provision of services to people with limited English proficiency (LEP). As defined by the DOJ, LEP persons are those whose primary language is not English and who have a limited ability to read, write, speak or understand English.

In June of 2002, the DOJ published guidance for recipients of federal financial assistance on their responsibility to take reasonable steps to provide meaningful access to programs and activities for LEP persons in accordance with Title VI and the Safe Streets Act. See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002) [hereinafter DOJ Guidance].

On May 8, 2007, prior to the onsite visit, OCR met with community groups with ties to the LEP populations in the District of Columbia (DC) to learn about their experiences in accessing police services. These groups included community organizations, legal resource centers, neighborhood ministries, and language service-providers. Community leaders who participated in the meeting represented constituencies who spoke Spanish, Chinese, Vietnamese, and Korean. During the onsite visit, OCR met with numerous administrators, command staff, officers, and civilian employees. The OCR also had the opportunity to visit the MPD Headquarters, the Central Cellblock, the Office of Unified Communications (OUC), the Violent Crimes Branch, the Homicide Department, the Family Liaison Specialist Unit, and three district stations. The OCR conducted twenty interviews with officers in the Second, Third, and Fourth Districts.

On September 29, 2008, I sent you a draft Compliance Review Report and requested factual corrections. On October 14, 2008, the OCR received your hand-delivered written response. We incorporated your two minor edits into the current document.

After a thorough evaluation of the MPD's language assistance services, which included MPD's responses to our Data Request and the information OCR gathered during the onsite visit, the OCR is issuing the following report in accordance with 28 C.F.R. § 42.107(d)(2), .206(e). With regard to the limited scope of our review, we find that for the most part, the MPD has taken steps to provide LEP persons with meaningful access to police services. However, in regard to the translation of vital documents, the MPD fell short of demonstrating compliance with Title VI and the Safe Streets Act by failing to meet the standards of the safe harbor provision in the DOJ Guidance. As of the date of the onsite visit, the MPD did not have reliable translations of several vital documents in the most common languages of DC's LEP service population. The following Compliance Review Report contains recommendations for improving MPD's language access services to ensure compliance with Title VI and the Safe Streets Act.

I. Assessing the MPD's Obligation to Provide LEP Services

The DOJ Guidance states that in assessing whether a recipient of federal financial assistance is taking reasonable steps to provide services that are accessible to its LEP population, the recipient should consider four factors: (A) the number or proportion of LEP persons eligible to be serviced or likely to be encountered, (B) the frequency of contacts with LEP individuals, (C) the nature and importance of the program or service provided, and (D) resources and costs.

A. The Number or Proportion of LEP Persons

According to the 2000 U.S. Census, DC has a total population of approximately 572,000 persons. During the period of the onsite review, the MPD was organized into three Regional Operations Commands (North, Central, and East) and seven districts. The First District (1D) was in the Central Command and had headquarters at 415 4th Street, SW, and included the Asian Liaison Unit; the Second District (2D) was in the North Command and had headquarters at 3320 Idaho Avenue, NW; the Third District (3D) was

in the North Command and has headquarters at 1620 V Street, NW, and included the Latino Liaison Unit; the Fourth District (4D) was in the North Command and had headquarters at 6001 Georgia Avenue, NW; the Fifth District (5D) was in the Central Command and included the Deaf and Hard of Hearing Liaison Unit; the Sixth District (6D) was in the East Command and had headquarters at 100 42nd Street, NE; and the Seventh District (7D) was in the East Command and had headquarters at 2455 Alabama Avenue, SE.

The MPD has subdivided each of the seven districts into Police Service Areas (PSA). The number of the PSA corresponds to the number of the district, for example 1D consists of seven PSAs: 101, 102, 103, 104, 105, 106, and 107.

In response to our Data Request, MPD submitted information on the language groups in Washington, DC, age five and older, compiled by the DC Office of Planning and based on 2000 Census data.

Following the standards in the DC Language Access Act (Language Access Act) of 2004, DC Code §§ 2-1931 to 2-1937 (2004), which requires the MPD to gather data on LEP populations that comprise 500 or 3%, whichever is less of the eligible service population, the MPD reported that all seven police districts met this standard for Spanish-speakers (and Spanish Creole-speakers) in their service populations. According to the data provided by the MPD, the police districts that had the highest concentration of residents age five and older who spoke Spanish in their homes were 3D with 19,001 Spanish-speaking residents and 4D with 8,790 Spanish-speaking residents. For 1D, the percentage of the eligible service population age five and older who spoke Spanish at home was 5%; for 2D, 8%; for 3D, 22%; for 4D, 12%; for 5D, 5%; for 6D, 3%; and for 7D, 3%.

In addition to Spanish and Spanish Creole, eight other language groups have a significant presence in the city (i.e., Chinese, French, German, Russian, Other Slavic Languages, Tagalog, Vietnamese, and African Languages). The table below shows the language groups, other than Spanish and Spanish Creole, present in each of the MPD's seven police districts. The reported language groups are defined as 500 or more people, age five and older, who speak the language at home.

Police District	Population (Larger than 500) Age Five and Older that Speaks a Foreign Language other than Spanish or Spanish Creole at Home
1D	Chinese 700
2D	French 3,136; German 1,389; Russian 549; Other Slavic Languages 550; Tagalog 740; Chinese 1,060
3D	French 1,775; Chinese 755; Vietnamese 891; African Languages 2,148
4D	French 954
5D	African Languages 522
6D	None
7D	French 1,567

The Third District (3D) is the most over-all diverse, with 37% of the population age five and older speaking languages other than English at home.

The MPD's response does not provide information on the dialects spoken in Spanish or Chinese; nor does it identify particular African languages. Notably, the MPD did not report that any police district had a resident population of Korean-speakers greater than 500, even though OCR heard from community leaders and police officers that Korean is widely spoken in the city.

The DC Office of Human Rights (OHR), the DC government agency that has chief responsibility for enforcing the Language Access Act, identified the following languages as those that the DC government largely serves: Spanish, Chinese, Vietnamese, Korean, French, and Amharic.

In interpreting the classifications that the U.S. Census Bureau uses to report the English proficiency of non-English speaking populations, OCR considers individuals to be LEP if they speak English less than "very well." According to the 2000 Census, 17,660 people age five and older in DC are LEP (i.e., people who speak English less than "very well"). This number represents 19.5% of all the people in Washington, DC, age five and older, who speak a language other than English at home. For those who speak Spanish at home, 9,135 or 18% are LEP; for those who speak French at home (including Patois and Cajun), 1,680 or 18.5% are LEP; and for those who speak African languages at home, 1,420 or 27.4% are LEP.

Recommendation

Although the data the MPD gathered on its LEP population was useful in assessing the size of various language groups located within the MPD's service area, the MPD may want to consider expanding data sources beyond the 2000 Census in an effort to ascertain even more accurate accounting of LEP persons. Other data that could refine or validate these figures could include data from school systems and community organizations and data from local government agencies, religious organizations, and legal aid entities. Some law enforcement agencies that the OCR has worked with have successfully used Geographic Information Systems (GIS) software, such as Arkview and Crimeview, to attain a more precise accounting of the linguistic demographics by police district. The MPD may also consider exploring what information may be available from the U.S. State Department or foreign missions on the number of foreign nationals who may be LEP who live in Washington, DC, who are associated with embassies and international organizations.

B. Tracking Frequency of Contacts: The number and manner of contacts MPD has with its LEP population

The MDP estimated that it provided 28,302 LEP individuals language assistance services in CY 2006. This figure, broken down by primary languages, included the following:

26,850 Spanish-speakers; 809 Mandarin-speakers; 499 Korean-speakers; 116 Vietnamese-speakers; seven Amharic-speakers; six Portuguese-speakers; three Cantonese-speakers; two French-speakers; two Russian-speakers, and one speaker in each of eight other languages. The MPD based its estimate of the total number of LEP persons MPD served in CY 2006 on the following calculus: first, it used an actual accounting of the number of LEP persons served by its telephonic interpretation vendor, Language Line Services, Inc. (Language Line), and by the MPD's Victim Specialist Unit; then, the MPD added to this data an estimate of the persons served by certain units within the department that have a significant LEP service population (i.e., the Asian Liaison Unit; the Latino Liaison Unit; the Records Branch; the Youth Investigations Branch; and ID, 2D, and 7D).

The Latino Liaison Unit, which has a total of eleven employees (one sergeant, one detective, and nine officers), interacts with the Spanish-speaking LEP community on a daily basis and regularly records contacts with residents. (According to newspaper accounts, since the date of the onsite visit, the MPD attempted to reorganize the Latino Liaison Unit, which community resistance halted, but resulted in a decrease of staff to nine). The interactions with the Spanish-speaking communities include meet-and-greet events as well as home and school visits. According to the MPD, the Latino Liaison Unit conducts home visits on a weekly basis and holds an annual Public Safety and Service Fair. Officers in the Latino Liaison Unit stated in interviews with OCR that they use their interpretation skills three or more times a day.

The Asian Liaison Unit, which has six officers and one civilian, keeps track of the native languages and contact information for local merchants who speak an Asian language. The unit updates the information every six months.

The MPD provided OCR with a copy of DC's contract with Language Line along with an invoice for the first three months of 2007. In January, February, and March of 2007, the number of Spanish-speaking callers was the highest for any language group (twenty-five in January, twenty-two in February, and twenty-two in March), and the average call lasted a little more than eight minutes. The second highest number of LEP callers were Mandarin-speakers (fourteen in January, four in February, and nine in March), and the average call lasted twenty-three minutes. Other LEP callers (one to four per month) included speakers of the following languages: Korean, Turkish, Russian, Vietnamese, Punjabi, French, Amharic, Cantonese, and Hausa. Overall, based on the first quarter of 2007, Language Line provided telephonic interpretation services to thirty-seven LEP callers per month at an average monthly cost of \$595. The invoice did not break down the calls by police district or PSA.

As previously noted, the DC Language Access Act requires DC government agencies, including the MPD, to conduct research on the city's demographics by language group. To comply with the statute, MPD officials stated that the department is in the process of developing a comprehensive Records Management System (RMS). According to the MPD, the RMS would be an electronic database that would be able to gather and store information relevant to language access issues in its processing of standard forms

(e.g., accident reports, missing person reports, minutes of community meetings). At the time of the onsite visit, the MPD had not established a definite timetable for launching the RMS.

With the exception of the callers tracked by Language Line, the persons served by the MPD's Victim Specialist Unit, and the walk-ins recorded in the log of the Latino Liaison Unit, the MPD has no formal process for tracking all of its contacts with LEP persons. However, OCR did learn through onsite interviews with randomly selected officers, that many MPD officers would note in their reports when an incident required the services of an interpreter and how MPD responded to the need.

Recommendation

The MPD should consider establishing a more comprehensive, reliable system for gathering information on the frequency of contacts with its LEP service population. Although the MPD identified a significant number of LEP persons that it served in CY 2006, estimated at 28,302, this figure is based only partially on an actual accounting of LEP persons served, limited to Language Line and the Victims Specialist Unit. Although this is a good start, the MPD should explore additional ways for gathering data on its contacts with LEP persons in all the ways it interacts with the public.

The proposed RMS might be able to meet this need, but in the absence of a timetable for its design and launch, the system appeared to be more a well-intended, distant ideal rather than an actual project that the MPD would soon implement.

In regard to serving LEP persons in the field and at police desks, the MPD should establish procedures for recording these encounters. Rather than waiting for the RMS to go online at some indefinite date in the future, the MPD might look to adopting the practices of other police departments that have developed relatively simple forms that officers and front desk clerks can use for collecting information on serving LEP persons. Some of these forms have boxes that an employee could readily check to gather the following information: name and title of the employee, date and time of the encounter with the LEP person, the language spoken, and the language assistance the employee provided (*e. g.* , served as interpreter, relied on bilingual coworker, contacted telephonic interpreter service, used a family member or other person as an interpreter, provided copies of translated materials, or used other reliable language assistance resources). The MPD should also consider working with Language Line to obtain more pertinent information about LEP callers, such as the date and time of each call and its origin by police district or PSA. This additional information would assist the MPD in identifying the hours of high demand for interpreters and the particular neighborhoods that have the most need for language assistance services.

On an annual basis, the MPD should tabulate data from all sources that track the MPD's contacts with LEP persons. This information would allow the MPD to get a clearer picture of its LEP service population and to provide police administrators a basis for assessing whether the MPD is providing adequate services to its LEP community.

C. Important Public Services to LEP Individuals

In surveying the important public services that the MPD provides to its LEP service population, OCR reviewed the following aspects of the MPD's operations: (1) emergency and non-emergency telephone calls; (2) field encounters and enforcement stops; (3) custodial interrogations, arrests, and booking; (4) crime victim services; (5) complaints; (6) administrative services; (7) community outreach; and (8) language services, both oral and written.

1. Emergency and Non-Emergency Telephone Calls

A separate DC government agency, the Office of Unified Communications (OUC), handles all emergency calls to the MPD. The OCR review team toured the Office of Police Communications within the OUC. Operators who receive 911 calls for emergency services, as well as 311 calls for non-emergency services, can access Language Line directly from their computer screens. In most cases, operators also automatically receive electronic information about the location of each caller so that they can immediately dispatch police officers to a scene, even before contacting Language Line. The OUC maintains a separate log of Language Line use, which, according to OUC, shows that OUC contacts Language Line several times each day. The OUC has written protocols that instruct operators on how to access Language Line.

In addition, OUC schedules Spanish-speaking bilingual operators to work every shift so that at all times Spanish-speaking operators are available. Monolingual responding operators can easily transfer LEP calls to bilingual operators.

The non-emergency number, 311, has a voice-recorded introduction that provides callers the option for service in Spanish.

The DC has a Customer Services team to evaluate the delivery of local government services. During OCR's onsite visit to OUC, OCR learned that a team of bilingual testers evaluated the quality of 911 and 311 services. The four-person testing team included two Spanish-speakers, one Cantonese-speaker, and one Amharic speaker.

The testers requested services over the telephone; they also requested services in person and through e-mail and letter correspondence. The testers evaluated the total quality of the service provided, including the speed of response, the professionalism of the service-provider, and the accuracy of interpretation. The Customer Services office sent the results to the Mayor's Office and OUC. According to the OUC, the testing team found that the OUC scored well in providing services to LEP callers. However, the OCR did not receive a copy of this report.

Recommendation

The MPD should consider utilizing the capabilities of the OUC and its state-of-the-art dispatching system to track its contacts with LEP callers, adding to the information

provided by Language Line an accounting of the LEP callers that bilingual operators serve directly.

The MPD should request that the Customer Services team send any findings from its testing of services provided to LEP individuals who call 311 or 911 to the MPD's language access coordinator to assist him in evaluating MPD's language assistance services.

2. Field Encounters and Enforcement Stops

At the time of the OCR visit, although the MPD did have a written procedures on accessing Language Line (MPD Circular 02-10, Foreign Language Translation Service (Jul. 10, 2002)), the MPD did not have a formal written policy specifically addressing how MPD officers are to provide language services to LEP persons during field encounters and stops. Nonetheless, in the Data Response, the MPD described the procedures that officers should follow in requesting language assistance. According to the MPD, officers in the field who need language assistance should contact the OUC; the OUC would then broadcast on the police radio a request for assistance from a certified bilingual officer (who may be a member of the Latino Liaison Unit or the Asian Liaison Unit), who would then travel to the designated location. The MPD noted that an officer in the field who has access to a telephone could also call Language Line directly and request language assistance services.

The MDP stated that MPD employees should not use friends or family members of LEP individuals to provide language assistance services, except in emergency situations, such as dealing with a critically injured person when the police are the first responders on the scene. The MPD noted that information provided by informal interpreters, such as family members or passers-by, might be inadmissible evidence in subsequent criminal investigations.

Officers in the field whom OCR interviewed generally were aware of and followed the practices that the MPD described on accessing interpretation services. The officers confirmed that they regularly served LEP persons while on patrol and that most of the LEP persons were Spanish-speaking. However, the OCR learned onsite that many MPD officers were unfamiliar with the procedures for accessing Language Line, and many said they never used it.

Through officer interviews, the OCR learned that some officers, when they were unable to obtain an interpreter through dispatch, contacted the U.S. Secret Service, which would then send an interpreter to the scene. Some officers also said that when they knew a bilingual officer was on duty, they would contact the bilingual officer directly rather than going through dispatch.

In communicating with LEP motorists during a traffic stop, one officer said that she routinely used a hand gesture (i.e., the thumb and index finger extended to make a

rectangular bracket) to indicate that she wanted the LEP motorist to produce identification.

One officer, who claimed to speak a number of foreign languages, said that even though he is not a certified interpreter, he has offered language assistance services on the job. He said that that he would refrain from interpreting in serious matters that might lead to an arrest.

Another officer whom OCR interviewed stated that at least on one occasion when he needed an interpreter and dispatch was unable to locate one, he used his own private cell phone to call Language Line. With the Language Line interpreter on the line, the officer conducted an interview by passing his cell phone back and forth to the LEP person. This officer, as well as many others, told OCR that he had not received any training on MPD policies or procedures for serving LEP individuals.

The OCR heard from a number of certified bilingual officers who said they listen to the police radio and when a call comes from an area that has a significant Spanish-speaking population, even though the call may not come to them, they will begin to drive in the direction of the call, anticipating that officers arriving at the scene might need a Spanish interpreter.

Recommendation

The OCR recommends that the MPD incorporate into a comprehensive language assistance policy (*see infra* Part II.) clear, detailed protocols that officers in the field (as well as all employees in public contact positions) should follow to secure language assistance services for LEP individuals. The OCR noted that were gaps between MPD's stated policy and what officers actually did. For example, OCR learned that officers routinely used Secret Service interpreters as a back-up in field encounters with LEP persons, but MPD administrators did not mention this practice in describing how MPD provided language services to the public. A written language assistance plan would serve to standardize practice.

3. Custodial Interrogations, Arrests, and Bookings

a. Custodial Interrogations

In response to the Data Request, MPD stated that all MPD staff who interview or otherwise communicate with LEP persons regarding specific crimes, incidents, or accidents, are responsible for informing other units that may have an interest in the matter about the LEP person's language limitations, and if appropriate, about the need for an interpreter or translator to facilitate communication. The MPD staff is supposed to convey this information either verbally or by special notations on intake forms. According to the MPD, staff who cannot communicate with a LEP person during interviews, interrogations, arrests, and bookings must request an interpreter through the OUC. Dispatch will then broadcast a request for an officer who is certified in the

language in question (who may be a member of either the Latino Liaison Unit or the Asian Liaison Unit) to respond to the call. If the MPD employee serving the LEP person has access to a cellular or land line telephone, the employee may also call Language Line to obtain telephonic interpretation services. During the onsite visit, the MPD informed OCR that in felony cases, the MPD records all interrogations.

The MPD has a special order that addresses how MPD officers should seek language assistance services for LEP persons who are subjected to custodial interrogation (*see infra* Part I.C.8.a.). According to the order, for custodial interrogations, MPD officers are to procure either a professional interpreter or a certified bilingual officer; in addition, some certified bilingual officers are also designated as "interviewers" (i.e., officers whose language skills are sufficiently proficient to interrogate LEP persons without the assistance of an interpreter). The officers that OCR interviewed onsite were not familiar with MPD's policy of designating certain bilingual officers as interviewers.

The MPD staff in the Homicide Department said that they primarily used bilingual officers to provide language services to LEP witnesses, family members of victims, and suspects. The MPD explained that staff members inform LEP suspects that they have a right to have a civilian interpreter, but LEP suspects often waive this right to allow a bilingual officer to interpret. The MPD staff stated that prior to custodial interrogations, it is their practice to read LEP suspects their rights from printed cards that are available in a number of languages.

Recommendation

Although the MPD has a policy that provides LEP suspects with an interpreter who is not an MPD officer to avoid potential conflicts of interest for the interpreter, the MPD reported that LEP suspects routinely forego this protection. The MPD should review this practice, noting how frequently LEP suspects choose to have a civilian interpreter and evaluating whether LEP suspects are giving informed consent when waiving this option. To protect the rights of LEP individuals, many police departments have a policy of using an interpreter from outside the police department when conducting custodial interrogations of LEP individuals. The reason for the policy is to increase the likelihood of accurate interpretation by ensuring the interpreter's neutrality.

The MPD did not address its process for taking written statements from LEP witnesses and suspects. Instead of producing English summaries of the LEP individual's statement that an interpreter explains to the LEP individual prior to signing, some police departments have adopted the policy of having translators produce the written statement in the LEP person's native language. The primary advantage of this practice is that an LEP person can independently review and verify the statement prior to signing it. An additional advantage is that any objections to the English translation of an LEP person's signed statement can be readily verified by referring to the original in the LEP person's native language.

b. Arrests

The form that the MPD uses to record an arrest, Arrest Report (PD 163), indicates whether an arrestee needs an interpreter to communicate. However, the MPD staff stated that it can ordinarily walk LEP arrestees through the processing and identification requirements (e.g., fingerprinting, photographing, and other information gathering) without the need for an interpreter because the arresting officer will have already asked (or determined) if the LEP arrestee needed medical attention, apprised the arrestees of the Miranda warnings, and completed a full arrest report. The MPD stated that arrestees are usually detained for a maximum of forty-eight hours.

c. Booking

The MPD has in place written standard operating procedures that include a step-by step description of what MPD staff should do when booking and holding adult prisoners. The policy makes no specific reference to providing language assistance services to LEP arrestees.

During OCR's onsite visit to MPD Headquarters, the review team visited the Processing and Identification Station. The OCR observed that signs on the front security desk were posted in English and in Spanish. The OCR also noted that a Language Identification Poster (with information regarding language services) was posted in the processing area. None of the staff members in the booking area whom OCR interviewed had ever used Language Line in processing LEP arrestees. The booking staff members said that if they needed to communicate with an LEP person, they would call dispatch to send them a bilingual officer.

The detention center staff said that during a medical emergency involving an LEP arrestee, they would call 911 for an ambulance; for any other medical issues, they would complete an Illness Report (PD313) and transfer the arrestee to the hospital. Staff members said that they would contact parents or relatives of the LEP arrestee to inform them of the medical emergency.

Recommendation

The MPD should consider amending its standard operating procedures for booking and holding adult prisoners to include a section on the procedures the booking staff should follow in securing language assistance for an LEP arrestee.

4. Crime Victim Services

While onsite, OCR staff toured the MPD's Homicide Department, which included the Family Liaison Specialist Unit, which serves families of homicide victims. The OCR observed in the Homicide Department's waiting room Language Line Access Cards and Language Identification Cards. The MPD improperly made these materials available to the public, giving visitors to the Homicide Department access to confidential access

codes so that they could call Language Line directly and request an interpreter. It was apparent that the staff at the Homicide Department had just recently received these materials in anticipation of OCR's visit, and the staff was not aware of their proper use.

The OCR observed that a Language Identification Poster was also on display in the waiting room.

The Family Liaison Specialist Unit has one bilingual staff member who is fluent in Spanish. She provides language services to and manages the cases of Spanish-speaking LEP persons. The Family Liaison Specialist Unit has produced a number of materials in Spanish. Although OCR learned from MPD that as a quality control measure, all translated materials are to be reviewed by the Mayor's Office before publication, the Spanish-speaking staff in this unit translated the materials without this authorization.

Community representatives with whom OCR met during the course of the compliance review had raised concerns about whether the families of LEP homicide victims, many of whom reside outside of the country, are able to bring the appropriate pressure on the MPD to ensure that open cases receive the attention they deserve. The OCR raised this issue during the onsite visit with the Family Liaison Specialist Unit. The staff members said that they maintained contacts with LEP families who live abroad through e-mail and telephone. They said that they do everything in their power to help families access all available services.

Recommendation

The MPD should brief its staff in the Homicide Department on the services provided by Language Line and the appropriate way to access Language Line interpreters.

The OCR has insufficient information to reach any conclusions about the effectiveness of the services that the MPD provides to LEP families abroad who may have a member who was a homicide victim in DC. Nonetheless, the Family Liaison Specialist Unit should be aware that some community leaders have raised concerns about the services that are being offered to victims' families, especially those who are Spanish-speaking foreign nationals. In developing outreach efforts, the Family Liaison Specialist Unit should consider ways of addressing these community concerns.

5. Complaints

There are two distinct processes for reviewing and investigating complaints against the MPD from members of the public. Individuals who wish to file a complaint of police misconduct may report the incident either to the Office of Police Complaints (OPC) or to the MPD's Office of Professional Responsibility (OPR). Both offices receive complaints in person; over the telephone; or by mail, e-mail or fax.

The OPC is a DC government agency that is independent of the MPD and has its own investigative staff. Individuals who file a complaint with the OPC opt to have an

independent agency investigate the police department. The OPC has authority to investigate complaints that are filed within forty-five days of the underlying incident and that allege one or more of the following: harassment; use of unnecessary or excessive force; use of language or conduct that is insulting, demeaning, or humiliating; discriminatory treatment; retaliation for filing a complaint; an officer's failure to wear required identification; or an officer's refusal to provide name and badge number to a member of the public on request. According to OPC literature, members of the public may obtain complaint forms and related information by visiting the OPC's office, calling a twenty-four-hour toll-free hotline, logging onto the OPC's website, or visiting any MPD district station.

The MPD investigates complaints from members of the public against officers and other employees by referring the matter to the chain of command or to MPD's Office of Professional Responsibility (OPR). The OPR investigates complaints alleging police misconduct, including the same kinds of allegations that OPC investigates. The OPR accepts and investigates anonymous complaints.

A comprehensive explanation of the MPD's process for handling complaints from members of the public can be found in General Order PER-120.25 (Processing Citizen Complaints). The MPD revised the order to comply with a recent Memorandum of Agreement (MOA) with the U.S. Department of Justice.

The MPD provides to the public informational materials on filing complaints in a variety of languages. According to the MPD, these documents are available on the MPD website, at all police facilities, and in DC public libraries. The MPD stated that officers are expected to carry complaint information with them in their patrol vehicles and give complaint brochures and related documents to members of the public on request. In interviews with officers while onsite, the OCR review team found that many officers did not carry this information with them on patrol. In addition to English, brochures with information about the complaint process are available in Amharic, Chinese, Korean, Spanish and Vietnamese. The MPD supplied OCR with copies of the following materials in Amharic, Chinese, Korean, Spanish, and Vietnamese: a poster explaining the complaint process entitled Frequently Asked Questions, a brochure on filing complaints, and a complaint form. The OCR review team did not find these materials in the district stations it visited (*see infra* Part I.C.8.b.).

The MPD reported that the Quality Assurance Unit, an independent DC government agency, tests on a quarterly basis the responsiveness of the MPD to complaints from members of the public. Although the MPD reported that the Quality Assurance Unit favorably reviewed the complaint process, the OCR did not receive a copy of the evaluation.

The MPD stated that it had not received any complaints from members of the public from January 1, 2005, to the present, including any filed internally or externally, that alleged that the MPD had difficulty communicating with LEP individuals. Although there have been no formal complaints regarding LEP services, the quality of MPD's language

services is an issue that has been discussed at PSA community meetings with the Latino and Asian Liaison Units.

The MPD stated that it does provide instruction to LEP communities on how to file complaints. In accepting and processing complaints from LEP individuals, MPD stated that its staff would use the services of a bilingual officer or an interpreter provided by Language Line. The MPD noted that complaint forms are available in Spanish on the MPD's website, which individuals can access at public libraries.

One officer in the Latino Liaison Unit reported to OCR during the onsite visit that he had received a number of what he characterized as "unofficial complaints" from LEP persons who stated that there were not enough bilingual officers. The officer also noted that complaints from LEP communities often go unreported. He believed that negative experiences that many LEP individuals may have had with law enforcement agencies in their native countries leads them to be wary of having any contact with the MPD.

Recommendation

The OCR recommends that the MPD develop and implement a policy that specifically addresses how complaints and investigations involving LEP persons should proceed. In particular, all MPD employees who receive complaints should know how to assist an LEP person in making a complaint. Although the MPD has had brochures with information about the complaint process translated into five languages, the OCR review team found that those brochures were not consistently available to the LEP community. There should be clearly posted information about the complaint process at all police facilities. In regard to informal complaints alleging that the MPD failed to provide adequate language assistance services, the MPD should consider establishing procedures that would collect this information on an annual basis to assist the MPD in determining whether there may be systemic problems in the delivery of language services that the formal complaint process fails to identify.

6. Administrative Services

During the onsite visit to police headquarters, OCR made two inquiries at desks serving the public to inquire how an LEP person might obtain service and forms in a language other than English. At the desk for obtaining an accident report (i.e., Incident-Based Event Report), OCR discovered that the forms were available only in English. The on-duty clerk was at a loss on how he was supposed to contact an interpreter to serve an LEP customer. He referred to the Language Line Poster that hung outside the service window, but it became apparent that the MPD had just recently hung the poster just prior to OCR's visit. The clerk mentioned that he knew there was a card for calling Language Line; but again, he said that he had just recently received it and had never used it. The clerk said that there were no bilingual employees in his office but occasionally he asked another Spanish-speaking clerk in the building for help in responding to Spanish-speaking LEP persons.

At the second service window, the clerks directed Spanish-speaking customers to a difficult to read poster that explained how to fill out the appropriate paperwork in Spanish. There were no other instructions in any other non-English languages. The Language Line Poster also hung near the service window. The attending clerks said that in dealing with an LEP person, they would call a Spanish-speaking clerk in the building to serve as an interpreter. One clerk said that she knew that she could call Language Line to access an interpreter.

Recommendation

The MPD should undertake an internal audit of all of the administrative services that LEP persons routinely access from the MPD, both at MPD Headquarters as well as at district stations (e.g., accident reports, crime reports, lost property reports, vehicle impoundment) and ensure that all employees who have contact with the public are aware of what they should do to serve LEP persons (e.g., access a certified interpreter, contact Language Line, make available translated materials).

7. Community Outreach

The MPD has reached out to LEP groups through community meetings and other outreach events. The MPD Chief has met with representatives of Latino and Asian groups. Commanders in high density LEP communities (2D, 3D, and 4D) have met with community organizations representing LEP residents and they have attended PSA community meetings with LEP residents.

Members of the Latino Liaison Unit, which began in 2002, interact with the Spanish-speaking community on a daily basis. The unit holds meet-and greet meetings, conducts home and school visits, and responds to walk-ins at the Latino Liaison Unit headquarters. The Latino Liaison Unit stated that it makes home visits on a weekly basis and holds Public Safety and Service Fairs on a quarterly basis. The Latino Liaison Unit also cooperates with other specialized units in the police department, including the Gay/Lesbian Unit, the Deaf/Hearing-Impaired Unit, and the Asian Liaison Unit.

The MPD staff members who need needs to communicate with LEP individuals when conducting public meetings normally invite MPD certified bilingual employees to attend the meetings with them to provide interpretation services. MPD staff members also seek the services of professional interpreters to interpret their remarks during their public presentations, ordinarily using the interpretation assistance of community partners and organizations. In 4D, OCR learned that some of the PSA community meetings are being held in Spanish to encourage greater participation.

The MPD supplied a listing of community or neighborhood groups serving or representing LEP individuals with which MPD has a working relationship. Among these groups are the following: the African Resource Center, the Asian American Justice Center, the Asian Pacific American Legal Resource Center, the Central American Resource Center (CARECEN), the Carlos Rosario School, the CentroNia, the Columbia

Heights Shaw Family Support Collaborative, DC Learns, the La Clinica Del Pueblo, the Latino Federation of Greater Washington, Mary's Center for Maternal and Child Care, the Multicultural Community Service, the Neighbors Consejo, and the Washington Lawyers' Committee for Civil Rights and Urban Affairs.

The MPD informed OCR during the onsite visit that MPD, pursuant to General Order 20126, does not generally inquire into a person's immigration status during routine encounters with members of the public. The two exceptions are (1) when an officer is investigating a human trafficking case or (2) when the immigration status of a person is already known (e.g., when there is an outstanding warrant for the person evading deportation). Subsequent Special Orders and Diplomatic Orders have reminded MPD officers of the policy contained in General Order 20126.

As noted previously, prior to the onsite visit with MPD, the OCR held a meeting with community groups that either represent or serve DC's LEP communities. The purpose of the meeting was to solicit feedback on MPD's responsiveness to the needs of LEP communities and on the availability of language assistance services.

Representatives from Spanish-speaking groups praised the work of the Latino Liaison Unit, noting in particular its ability to work with LEP communities in responding to and preventing crime. Some community representatives said that MPD's Gang Intervention Unit and MPD's Latino Liaison Unit were models of excellent community policing.

All of the community representatives expressed strong support for MPD's efforts to hire bilingual officers. They would like to see the number of bilingual officers increase to meet the growing needs of Washington's LEP communities. They noted in particular the need for Spanish-speaking officers, especially for officers who have cultural competency in dealing with residents from Central and South America; they also noted the need for officers who speak Asian languages, especially Korean and Mandarin Chinese.

A number of community advocates highlighted the need for bilingual officers in responding to incidents of domestic violence involving LEP individuals. Community leaders said that the MPD should take steps to ensure that neither children nor perpetrators are ever put in the position of serving as an interpreter for police officers who respond to a domestic violence call. Community leaders said that MPD should be more thoughtful about the needs of LEP individuals in the aftermath of a domestic violence report. They recommended that the MPD assign bilingual officers to serve civil protection orders or to escort victims when they return to their homes, often from shelters, to retrieve personal belongings.

Asian community groups said that the MPD needed to improve services to resident LEP individuals who speak Asian languages. They stressed the need to hire more bilingual Asian officers. Asian community leaders observed that DC has a significant Chinese, Korean, and Vietnamese LEP population, but the MPD has less than fifteen police officers who are certified as bilingual in Asian languages. They pointedly noted that only one MPD police officer was bilingual in Chinese; and significantly, this lone officer

spoke the Cantonese dialect, whereas the overwhelming majority of local LEP Chinese residents speak the Mandarin dialect. Asian community leaders acknowledged that in their communities there is a stigma attached to becoming a police officer, but they hoped that the MPD would work with them and other local community and religious groups in overcoming this obstacle in recruiting more bilingual Asian officers.

The community leaders identified the needs of LEP parents as an issue that the MPD should take special care to address. Community representatives provided a number of anecdotes involving LEP parents who were not informed about police interactions with their fluent English-speaking children. Community leaders said that a common complaint that they heard was that LEP parents often had trouble locating their children after the MPD arrested the children. Some LEP parents claimed that the MPD did not inform them where their children were. A notable exception to this practice was the work of MPD's Gang Intervention Unit, which has a good reputation among community members, based in part on the unit's notifying parents when young people are taken into custody.

Community members praised the MPD's work in including LEP communities in public safety meetings that have the goal of neighborhood crime prevention. They encouraged the MPD to do more of this work. Community members also commended the MPD for appointing a language services coordinator; they were well aware of his work and only had positive things to say about how well he performed his job.

Noting that fear of working with the police in LEP communities comes from concerns related to undocumented immigration status, many participants in the community meeting with OCR encouraged the MPD to do a better job in communicating to the public, especially to LEP residents, that the MPD is not an extension of federal agencies that enforce immigration laws. Community members said that the MPD could do a better job in educating LEP residents about their right to file an administrative complaint and the process for doing so.

Recommendation

The MPD has already done a great deal to engage the LEP communities in DC and to respond to their needs. To build on this work, the MPD should consider addressing the concerns that community leaders raised with OCR, including continuing to support the work of the Latino and Asian Liaison Units; recruiting more bilingual staff; educating LEP communities on the MPD's independence from federal agencies that enforce immigration laws; communicating more effectively to LEP parents with fluent English-speaking children who run afoul of the law; and working cooperatively with community groups on issues pertaining to young people, street gangs, and schools.

8. Language Assistance Services

a. Oral Language Services

The MPD provides oral language services to LEP individuals primarily through certified bilingual employees. The MPD also relies on Language Line, a private contractor, for telephonic interpretation services. The OCR also found that some MPD employees, at least on occasion, have used other language resources, including interpreters from the Mayor's Office, the U.S. Secret Service, and local community organizations.

The MPD has 3,812 sworn employees and 658 civilian employees. In response to our Data Request, the MPD provided a listing of the certified bilingual employees as of April 2007. Among the 196 certified bilingual employees, 166 spoke Spanish, eight spoke Vietnamese; five spoke Korean; three spoke French; two spoke Creole (Haitian); two spoke Italian; and for each of the following languages, there was one bilingual officer: Arabic, Bengali, Cebuano, Chinese, Greek, German, Japanese, Laotian, Polish, Portuguese, and Thai.

The national origins of the certified bilingual employees who speak Spanish are Salvadoran, Honduran, Guatemalan, and Nicaraguan. In interviews with OCR, all the Spanish-speaking officers who serve as interpreters said that they did not encounter any significant problems in interpreting for LEP Spanish-speakers, regardless of the LEP person's Spanish dialect. Some community members stated that variations in Spanish dialects and cultural differences can cause misunderstandings, noting in particular miscommunication that tends to happen between some Puerto Rican officers and Washington residents from Central America. As noted previously, community groups also expressed concern about the relatively few certified bilingual officers who speak Asian languages.

The MPD issued Special Order 99-16 regarding the Language Services Stipend, which took effect on October 18, 1999. The order sets forth the procedures for certifying employees as eligible to receive a stipend for providing language services on the job.

Employees (sworn and civilian) self-identify their language skills on their employment applications. Those who want to be certified as fluent in a foreign language must apply to the Office of Human Services to sit for the foreign language fluency testing provided by a private vendor, Language Doctors. Language Doctors conducts oral interviews over the telephone to evaluate the linguistic competency of MPD employees. There is no written component to the test. Officers whom OCR interviewed said that the oral examination lasts between twenty and sixty minutes depending on the proficiency of the employee. The MPD stated that during the oral interview Language Doctors assessed the test-taker's fluency, accent, comprehension, and ability to communicate effectively. Based on the assessment, Language Doctors ranks a bilingual employee's language skills from one to five, with five being the highest. The MPD certifies bilingual employees who agree to serve as interpreters and receive a rating from Language Doctors of three or higher. Certified bilingual employees are eligible to receive a language services stipend

(i.e., \$50.00 per pay period with twenty-six pay periods per year). To continue receiving the language services stipend, employees must successfully pass a recertification test every three years.

The director of Human Services maintains a database of all certified bilingual employees and reevaluates employees each year to determine their continuing eligibility to receive a language services stipend.

Special Order 06-16 regarding the Implementation of the Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006, effective date October 19, 2006, permits "qualified interviewers" (any member eligible to receive a language stipend pursuant to General Order 99-16) to conduct custodial interrogations, issue warnings and notification of rights, or take written or oral statements in a language other than English. The order states that whenever a communication-impaired person (an LEP person or hearing-impaired person) is arrested and taken into custody for an alleged violation of a criminal law, the arresting officer shall either procure a qualified interpreter for assistance or have a qualified interviewer to assist with all aspects of the interrogation, including issuing warnings and obtaining written statements.

One officer whom OCR interviewed stated that he often preferred contacting Language Line for an interpreter when he conducted investigations, because he found that many MPD officer-interpreters interfered with his investigation, often substituting their own questions rather than remaining a neutral party.

The officer's experience underscored what OCR found in interviews with bilingual officers. None had received any training on the role of serving as an interpreter.

Recommendation

Although the MPD has recognized the importance of providing language assistance services by implementing a program for certified bilingual employees and by staffing the Latino and Asian Liaison Units, the MPD should continue to support and expand these programs.

The MPD must ensure not only the linguistic competency of its certified bilingual employees but also provide them with guidance in serving in the role of interpreter. The DOJ Guidance states that interpreters must be able to communicate information accurately in both English and another language using the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation). Interpreters must also have knowledge in both languages of any specialized terms or concepts; understand and adhere to their role as interpreters without deviating into a role as counselor, advisor, or other law enforcement roles; and recognize when the role of a bilingual employee may conflict with the role of an interpreter. As part of the process for certifying and recertifying bilingual staff as authorized interpreters, the MPD should provide training to interpreters on their responsibilities (e.g., to understand their role as a

neutral party, to recognize and avoid conflicts of interest, to learn specialized law enforcement terms).

b. Written Translation Services

According to the safe harbor provision in the DOJ Guidance, service-providers can be sure that they are in compliance with Title VI, at least insofar as written documents are concerned, if they translate "vital documents" into the languages of LEP service populations that meet a minimum threshold. See DOJ Guidance, 67 Fed. Reg. 41464. The DOJ Guidance sets the threshold of LEP persons from an identified language group at five percent or 1,000, whichever is less, of the eligible service population. *Id.* Whether a document is "vital" depends on "the importance of the program, information, encounter, or service involved, and consequence to the LEP person if the information in question is not provided accurately or in a timely manner." *Id.* 41463. Examples of documents that may be "vital" are consent and complaint forms; intake forms; written notices of rights; denial, loss, or decrease of benefits; notices of disciplinary actions; written tests for a license, skill, or job for which knowing English is not required; applications to participate in a program or activity; and applications to receive a benefit or service. *Id.*

Similar to the DOJ Guidance, the Language Access Act instructs DC government agencies to identify and translate vital documents. D.C. Code § 2-1931(7). In August of 2004, four months after passage of the statute, the MPD undertook a survey of all MPD units, asking managers to identify the vital documents produced by their units.

The survey identified a total of 156 documents that the MPD uses in carrying out its law enforcement function. After reviewing these documents, the MPD identified sixty-three as vital documents as defined by the Language Access Act. In September 2004, with financial assistance from DC's OHR, the MPD had all sixty-three documents translated into seven languages: Amharic, Chinese, French, Portuguese, Spanish, and Vietnamese. In September 2005, again with OHR's continued financial assistance, the MPD had three additional non-vital, educational publications translated into four languages: Spanish, Chinese, Korean, and Vietnamese.

Unfortunately, in the fall of 2005, MPD discovered numerous errors in the translated vital documents. As a result, the MPD neither printed nor distributed the translations to the public. In FY 2005 and FY 2006, there were no funds available to have professional translators review and correct the translations of the vital documents. The MPD stated that in FY 2007 there were efforts underway to identify funds for the professional translations, but as of date of the onsite visit, the MPD had not completed this project.

Currently the MPD has available six documents translated into the following languages: (1) Homicide in the District of Columbia, available in Chinese, Korean, Spanish, and Vietnamese; (2) Homicide Reduction Strategy, available in Chinese, Korean, Spanish, and Vietnamese; (3) Call 311/911, available in Amharic, Chinese, French, Korean, Portuguese, Spanish, and Vietnamese; (4) DC Photo Enforcement: It Works!.

available in Amharic, Chinese, Korean, Spanish, and Vietnamese; (5) Victim Rights Card, available in Amharic, Chinese, French, Korean, Portuguese, Spanish, and Vietnamese; and (6) Citizen Complaint materials, available in Amharic, Chinese, Korean, Spanish, and Vietnamese.

The MPD does not currently have standard operating procedures for translating materials and ensuring their quality, notifying the public that translated materials are available, and distributing translated materials to the appropriate LEP communities. However, in October 2006, MPD participated in a multi-agency effort, organized by OHR, to distribute translated materials to community-based organizations. The MPD also stated that individual officers distribute translated materials in the course of performing their duties and members of the public may find translated materials at district stations, substations, specialized units, and MPD's website.

While onsite, OCR visited three district stations (i.e., 2D, 3D, and 4D) and found copies of the Language Line Poster displayed in each lobby. The poster, in a number of languages, informed the public that language assistance services were available free of charge. The OCR also noticed that some brochures, pamphlets, and other public safety reading materials were available in English; some were also available in Spanish. At 2D, the Promise of Service Poster was available in Spanish only. In the stations of 2D, 3D, and 4D, OCR found the form Filing Complaints Against Police Officers in English; only 4D had the same form in Spanish. Although MPD senior managers informed the review team at the beginning of the onsite visit on May 15, 2007, that complaint forms were readily available to LEP residents in seven languages, that is not what OCR found at the district stations we visited.

The MPD website does have a translation option that a user can access by clicking the word "Translation" in extremely small print at the bottom of the MPD's home page. The link leads to a page that explains that the user can opt for an automatic translation of the website in German, Spanish, French, Greek, Italian, Dutch, Portuguese, Chinese, Korean, and Vietnamese. After choosing a particular language, a webpage appears that includes a disclaimer, in the selected language, advising the user that the translations may be inaccurate. Significantly, the language options for translating the website do not correspond to OHR's determination of the key languages for DC (*see supra* Part I.A.). Absent is the option to obtain a translation in Amharic. The MPD informed OCR that it does not directly control the content of its website. The Office of the Chief Technology Officer has that role.

Recommendation

If MPD met the translation standards in the Language Access Act, it would more than meet the standards of the safe harbor provision in the DOJ Guidance. In its attempt to comply with the Language Access Act, the MPD has already identified the documents it uses that it would characterize as "vital." The OCR encourages the MPD to take the next step and have these documents competently translated.

The MPD should establish standard operating procedures for ensuring the quality of translations, for informing employees on the process for having documents translated, for notifying LEP communities when translated materials are available, for distributing translated materials to the LEP communities that would benefit from them, and for notifying the public that language services are available on request free of charge. The MPD should coordinate with DC's Chief Technology Officer to ensure that the vital documents available on the website in translation are not only accurate but available in the principal language groups of residents of DC.

If the MPD relies on certified bilingual employees to translate documents, then the MPD should incorporate into the certification process an evaluation of translation skills. The MPD should put into place quality control measures to ensure that translated vital documents, such as complaint forms, are readily available in translation at all district stations.

D. Available Resources

According to the MPD's data response, MPD's total operational budget was \$416,961,892 in FY 2005 and \$472,161,362 in FY 2006. The total amount of MPD's expenditures on language services in FY 2006 are difficult to determine because many of the expenses related to providing language services have neither been identified in the operational budget nor calculated separately. Consequently, for FY 2006, the amount of money MPD spent on the following tasks is not available: recruiting bilingual employees, staffing and equipping the Latino Liaison Unit and the Asian Liaison Unit, providing equal employment opportunity training to department managers, providing language stipends to certified bilingual staff, collecting and reporting data on bilingual personnel, and providing community outreach programs for LEP communities. Nonetheless, the MPD stated that in FY 2006, it spent a total of \$407,029 on language assistance services, which included the salary for the language access coordination, TTY and sign language services, language testing and certification, the Asian Liaison Unit Common Area, diversity awareness training, and language stipends. In FY 2006, MPD reported that it paid a total of \$206,700 in language stipends to 159 certified bilingual employees.

In its response to the Data Request, the MPD stated that since the mid 1980s the MPD has conducted recruiting campaigns for both sworn and civilian positions in communities that are likely to have a significant number of qualified bilingual candidates. The MPD reported that it announced vacancies on broadcast media outlets with large bilingual audiences.

Whenever possible the MPD tries to assign certified bilingual officers to posts that serve LEP communities. However, according to the MPD (and confirmed by OCR's interviews with bilingual staff), certification of language proficiency does not restrict an employee's assignment or advancement.

Recommendation

The MPD has already designated significant resources to providing language assistance services (e.g., recruiting, certifying, and compensating bilingual employees; contracting with Language Line; staffing two language specialty units; and developing community outreach programs). The MPD should take stock of its efforts and invite LEP community groups to help the MPD evaluate the quality of the services MPD is providing to LEP individuals. Some police departments have circulated targeted surveys, in English and in the predominate local languages, to obtain feedback from LEP residents on how well the police department is serving their needs. Other police departments have conducted focus groups or held community meetings to assess the quality of their language assistance services. Regardless of the method MPD uses to consult with LEP residents, their feedback should inform MPD's assessment of whether it has sufficient staff and other resources to serve DC's LEP communities effectively.

Among the top priorities that MPD should consider in budgeting for language assistance services are attracting bilingual staff, especially those who speak Asian languages, and having already identified vital documents translated.

II. Developing an Effective Plan on Language Assistance for LEP Persons

According to the DOJ Guidance, an effective plan for providing language assistance to LEP persons has five elements: (1) identifying LEP individuals who need language assistance, (2) providing effective language assistance measures, (3) training staff, (4) providing notice to LEP persons, and (5) monitoring and updating the language assistance plan. The MPD already has in place many elements of an effective plan, but the MPD should make a concerted effort to formalize and strengthen some of its language assistance efforts.

A. Identifying LEP Individuals Who Need language Assistance

The MPD should develop a formal process to track and compile all encounters with LEP persons. Developing a process for MPD employees to record each encounter with a LEP person will allow the MPD to monitor the ever changing LEP populations in DC and anticipate their needs.

B. Providing Effective Language Assistance Measures

The MPD should identify all of the language assistance resources it plans to use in serving LEP individuals. The resources may include some or all of the following: translated materials available in print or online; certified bilingual employees; professional interpretation services, including telephonic interpretation services; interpreters available through embassies, the U.S. State Department, the U.S. Secret Services, and other federal and local government agencies; the foreign language faculties at nearby colleges and universities; interpreters on staff at other law enforcement

agencies; and professional and volunteer interpreters associated with neighborhood groups and social service organizations.

C. Training Staff

The MPD needs to establish an effective training program for its staff, with periodic refresher courses, on how to respond appropriately to LEP individuals in a variety of settings, including both direct, face-to-face encounters (e.g., enforcing traffic stops, responding to walk-ins at district stations, engaging in community outreach) as well as indirect encounters (e.g., answering telephone calls, responding to e-mails and written correspondence, and posting information on the Internet). The training should include information on accessing the various types of language assistance services, including certified bilingual staff, contract services, telephonic interpreter services (Language Line), and community volunteers. The training should provide guidance to employees on when informal means of interpretation (e.g., relying on the assistance of family, friends, children, uncertified bilingual staff, by-standers, and others) are appropriate and when they are not.

D. Providing Notice to LEP Persons

LEP individuals may forego important police services if they are unaware of the language assistance services that make the police services accessible. The MPD needs to consider from an organization-wide perspective how effectively it is communicating to the various DC LEP communities the availability of police services. Every place of public contact should have a posted notice that informs LEP walk-ins that language services are available on request free of charge. Efforts to inform LEP communities about the availability of language assistance services might include voice prompts on automatic telephone answering messages, notices in translation in publications with large LEP readerships, appearances or public service announcements on radio and television programs with significant LEP audiences, and presentations at houses of worship and community organizations.

E. Monitoring and Updating the Plan

The MPD should have a comprehensive language assistance plan that includes a time table for periodic reviews and updates. The plan should reflect the changes that often rapidly occur in the linguistic demographics of the city. Compiling and analyzing data on MPD's contacts with LEP individuals, coupled with community feedback on the effectiveness of MPD's language assistance services, would help the MPD to revise its language assistance plan to take into account the changing needs of LEP communities.

Recommendation

Building on the work that the MPD has already done, the OCR strongly encourages the MPD to develop a comprehensive, written language assistance plan. To address the issues that we have raised in the Report and to assist the MPD in the drafting process, the MPD should find useful the following documents that are available on line at www.lep.gov: (1) the DOJ Guidance, (2) One Example of a Plan for a Law Enforcement Agency, (3) Creating a Language Assistance Policy and Plan in a Law Enforcement Agency, and (4) Limited English Proficiency Resource Document: Tips and Tools from the Field.

Conclusion

This letter serves as notice that the OCR has made a preliminary determination that the MPD appears to be taking steps to provide meaningful access to its programs and activities to LEP persons. The principal concern that OCR has with MPD's language assistance services is the failure to translate many of the documents that MPD identified as vital.

On request, the OCR is available to provide technical assistance to the MPD in implementing the Report's recommendations and formulating a comprehensive, written language assistance plan that is consistent with the DOJ Guidance. **The OCR requests that immediately on receipt of this document, the MPD contact the OCR to set a timeline for responding to OCR's recommendations.**

Thank you for your cooperation and the assistance of your staff throughout the compliance review process. If you have any questions, please contact Senior Counsel George J. Mazza at (202) 305-3146 or George.Mazza@usdoj.gov.

Sincerely,

Michael L. Alston
Director

cc: Enrique S. Rivera-Torres
Program Manager, Strategic Planning Division