

GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
Language Access Program		
Topic	Series	Number
SPT	304	18
Effective Date		
September 15, 2010		
Related To:		
GO 201.09 (Equal Employment Opportunity Program)		
GO 201.35 (Customer Service Standards and Testing)		
GO 304.05 (Confidential Fund)		
GO 304.11 (Intrafamily Offenses)		
GO 308.12 (Diplomats, Foreign Nationals, and Resident Aliens)		
SO-99-16 (Language Services Stipend)		
SO-06-16 (Implementation of the "Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006")		
Rescinds:		
Circular 02-10 (Foreign Language Translation Services), Effective Date July, 17 2002		
Circular 08-03 (Handling "I Speak" Cards), Effective Date August 29, 2003		
TT 05-056-07 (Foreign Language Translation Services), Effective Date May 11, 2007		
TT 05-082-08 (Language Access Signage Requirements), Effective Date May 21, 2008		

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I. BACKGROUND

The Metropolitan Police Department (MPD) is required by federal law, Presidential Order, and District of Columbia Official Code § 2-1931 to provide equal access to programs and services to all persons living, working, or visiting the District of Columbia, regardless of their ability to speak English. A brief description of these language access mandates is provided in Attachment A (Language Access Mandates). The purpose of this directive is to ensure that MPD's programs and services meet the requirements of the D.C. Language Access Act of 2004. The Language Access Act of 2004, enacted on April 21, 2004, requires MPD to provide oral language services **at a level equal to**

English proficient individuals to all limited or no-English proficiency (LEP/NEP) persons who seek to access or participate in the services, programs, or activities offered by MPD. The law requires MPD to:

1. Assess the need for and offer oral language services;
2. Provide written translation of “vital documents” (e.g. applications, notices, complaint forms, legal contracts, and outreach materials) to any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered by MPD;
3. Establish and implement a language access plan; and
4. Identify a language access coordinator.

II. POLICY

It is the policy of the Metropolitan Police Department to provide free language access services to all limited and no-English proficient (LEP/NEP) persons in a timely and effective manner. The provision of timely and effective communication services to LEP/NEP persons is a required activity for MPD members – MPD members must provide these services to all LEP/NEP persons they encounter, barring exigent circumstances, as defined below.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Bilingual – Ability to use two (2) languages proficiently.
2. Certified Interviewer List – Accounting of MPD personnel who are bilingual and are authorized to act as qualified interviewers. The Professional Development Bureau, Language Access Programs Division, develops and maintains this list and provides it to entities requiring this information.
3. Exigent Circumstances – Situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence (e.g., physical loss of property, witness or victim).
4. “I Speak” Card – The “I Speak” card, issued by the D.C. Office of Human Rights (OHR), is a wallet-sized card that states the following in both English and one of six (6) languages: "I speak (Language). I need language assistance. Please make note of my spoken language in your records, as well as my need for an interpreter."

5. Language Access Services – Assessment of the need for and offering oral language services, and providing written translation of “vital documents”.
6. Limited or No-English Proficiency (LEP/NEP) – Inability to adequately understand or to express oneself in the spoken or written English language.
7. MPD Certified Interviewer – Bilingual MPD member who has been authorized to interview LEP/NEP persons in certain situations.
8. Member – Sworn or civilian MPD employee or MPD Reserve Corps member.
9. Oral Interpreter – Person who translates orally from one (1) language (source language) into another language (target language).
10. Primary Language – Native tongue or the language in which an individual most effectively communicates.
11. Qualified Interpreter – Individual who has been certified by the District or other designated qualifying agency to provide oral interpretation services. A qualified interpreter may be an employee of another District or outside agency contracted to provide oral interpretation services to the MPD. The MPD will contract with outside agencies to provide in person as well as telephonic interpretation services.
12. Telephonic Interpreter – Qualified interpreter who provides language interpretation services over the telephone.
13. Translation – Replacement of wording from one (1) language (source language) into an equivalent wording in another language (target language).
 - a. Written Translation – Replacement of written text from one (1) language (source language) into an equivalent written text in another language (target language).
 - b. Sight Translation – Oral rendition of a written text from the source into the target language; it is not normally a direct word-for-word translation. (Generally, the interpreter has not had time to study the text but has made a cursory review.) MPD Certified Interviewers are qualified to provide sight translation.

NOTE: Interpretation and translation, while both language-related, are not identical disciplines. Each area requires expertise, content domain knowledge, training, and practice. Credentialing is different

for each area. Some practitioners are equally adept at both; others specialize in one (1) discipline or the other. Although the public and media often use the terms interchangeably, the general practice is to use the word “interpretation” when referring to oral speech and “translation” when referring to written texts.

14. Vital Document – Application, notice, complaint form, legal contract, or outreach material published by MPD in a tangible format that informs individuals about their rights or eligibility requirements for benefits and participation.

IV. REGULATIONS

- A. Members who encounter a person who is LEP/NEP shall take all necessary and appropriate steps, consistent with their obligations, to establish and maintain timely and effective communication with the LEP/NEP person.
- B. In every circumstance where limited or no-English proficient (LEP/NEP) persons and MPD members need to communicate, members shall:
 1. Provide appropriate language access services;
 2. Provide services in a timely manner (i.e., in a manner that does not result in delays for the LEP/NEP persons that would be significantly greater than those for English proficient persons); and
 3. Provide language access services in a manner that ensures full and accurate communication between the member and the LEP/NEP individual.
- C. All district stations and specialized units that are open to the public shall post signage that informs persons who visit or are taken to an MPD facility about their rights to obtain assistance free of charge in a language they can understand.
- D. Members shall not use family members, neighbors, friends, volunteers, bystanders or children to interpret for LEP/NEP persons unless exigent circumstances exist and a more reliable interpreter is not available, especially for communications involving witnesses, victims, and potential suspects, or in investigations, collection of evidence, negotiations or other sensitive situations.
- E. Members shall take reasonable steps to ensure that the qualified interpreter does not know any of the parties involved in the situation.
- F. If an exigent circumstance requires a member to use family members, neighbors, friends, volunteers, bystanders or children for initial language assistance, the member shall seek the assistance of an MPD Certified

Interviewer or other professional interpreter to confirm or supplement the initial translation or interpretation as soon as practical.

- G. Members shall avoid assumptions about an individual's primary language and shall make every effort to ascertain an individual's primary language to ensure effective communication.

NOTE: For example, not all individuals from Central America speak Spanish fluently. Some Central Americans may claim an indigenous language as their native tongue.

- H. In any situation involving exigent circumstances, members may communicate by any means possible with the individual or take immediate police action as the exigent circumstances require.
- I. In circumstances where a suspect who speaks English "very well" would be arrested on a warrant or on probable cause without an interview, a suspect who is LEP/NEP may also be arrested.
- J. In circumstances where a member, without communicating with an individual, has reasonable suspicion that would justify a Terry patdown, the member may conduct a Terry patdown of a LEP/NEP individual on the same basis as if the individual were not LEP/NEP.
1. If, following the Terry patdown, the individual indicates a desire to communicate further with the member, the member involved shall obtain an MPD Certified Interviewer, telephonic interpreter, or other qualified interpreter utilizing the procedures set forth in this order.
 2. If it becomes necessary for the member to respond to another call, the member shall contact his/her supervisor to arrange for an MPD Certified Interviewer, telephonic interpreter, or other qualified interpreter at a later time.
- K. In circumstances where a suspect who speaks English very well would be subject to a stop for questioning, a suspect who is LEP/NEP may also be stopped. If, following the stop, the member wishes to question the suspect, and it becomes apparent that the suspect is LEP/NEP, the member shall obtain an MPD Certified Interviewer, telephonic interpreter, or other qualified interpreter without delay.

V. PROCEDURES

- A. Identifying LEP/NEP Persons and Their Primary Language

1. Identification of LEP/NEP Persons

When members suspect or are told that persons that they encounter are LEP/NEP, they shall use the following protocol to determine whether or not the persons are actually LEP/NEP:

- a. Ask: "Do you speak English very well?"
 - (1) If the person answers "Yes," proceed with communicating with the person in English.

NOTE: There are many individuals who speak one (1) or more non-English languages and who report speaking English "very well." Such individuals should be regarded as English proficient and should not be considered LEP/NEP persons.

However, there are many individuals who report speaking English either "well," "not well," or "not at all." These individuals – who report speaking English less than "very well" – must be regarded as LEP/NEP and eligible to receive language access services.

If an LEP/NEP person appears able to communicate in English, MPD members must keep in mind the fact that LEP/NEP persons may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP/NEP for other purposes (e.g., reading or writing). Similarly, members must also keep in mind the fact that LEP/NEP designations are context-specific, that is, an individual may possess sufficient English language skills to function in one (1) setting, but these skills may be insufficient in other situations.

- (2) If the person answers "No," or indicates or appears not to understand what the member is saying, or states "I speak it a little", or "I speak it okay," the member shall assume that the person is LEP/NEP and provide appropriate language access services.
- b. If the LEP/NEP person can speak or understand some English, the member shall state: "I can request an interpreter in your language immediately and can get an interpreter here in person or over the phone. Would you like me to get an interpreter?"
 - (1) If the LEP/NEP person answers "Yes," the member shall:
 - (a) Proceed to identify the LEP/NEP person's language as specified in Part V.A.2 below, and
 - (b) Obtain, in order of preference, an MPD Certified Interviewer, telephonic interpreter, or

qualified interpreter to facilitate communication with the LEP/NEP person.

- (2) If the LEP/NEP person answers “No,” the member shall:
 - (a) Ensure that the LEP/NEP person understood the question and confirm that he/she does not want an interpreter.
 - (b) If the LEP/NEP person confirms that he or she does not want an interpreter, the member shall proceed with communicating with the person in English.

2. Identification of Primary Language

MPD members may utilize three (3) approaches to identifying an LEP/NEP person’s primary language:

- a. Ask the LEP/NEP person.
 - (1) Members may ask an LEP/NEP person: “What language do you speak?” or “What language do you speak the best?”
 - (2) If the LEP/NEP person understands the question and answers the question, the member shall immediately follow the procedures in this order to obtain an MPD Certified Interviewer, telephonic interpreter, or qualified interpreter in that language to facilitate his/her communication.
- b. Utilize the Language Line’s Language Identification Card.
 - (1) If the LEP/NEP person is unable to respond to the member’s request to identify the language he or she speaks, MPD members may utilize the Language Line’s Language Identification Card to identify the language.

NOTE: All members are provided a copy of this card to aid in the identification of the primary language spoken by the LEP/NEP individual. Cards may be obtained from the Language Access Programs Division.

- (2) Members shall display the language identification card to the LEP/NEP person so the person can identify the language he/she speaks prior to calling an

MPD Certified Interviewer, telephonic interpreter, or qualified interpreter.

- c. Call the Language Line Telephonic Interpreter Service.
 - (1) Member shall call the Language Line service, by dialing 1-800-367-9559, if the LEP/NEP person is unable to respond to the member's request to identify the language he or she speaks, and does not appear able to read or understand the language identification card.
 - (2) Members will need to provide the Client ID, Organization Name, and Access Code to utilize the Language Line service. This information can be obtained:
 - (a) From the Language Line Information Card distributed to members;
 - (b) By contacting the Professional Development Bureau's Language Access Programs Division; or
 - (c) By contacting their official.
 - (3) Members shall attempt to ascertain the LEP/NEP individual's language, with assistance from the Language Line service, in order to obtain a suitable interpreter.

B. Oral Interpretation

1. Telephone Contacts

Whenever a member contacts or is contacted by an LEP/NEP person by telephone, the member shall:

- a. Ascertain the person's English proficiency and primary language as described in Part V.A. above.
- b. Obtain assistance from an MPD Certified Interviewer.
 - (1) If an MPD Certified Interviewer who speaks the foreign language in question is immediately available to handle the telephone call requesting service or information, the member shall inquire about the MPD Certified Interviewer's availability and ask him or her to handle the request.

- (2) If an MPD Certified Interviewer who speaks the foreign language in question is not immediately available, the member handling the telephone call shall contact the Language Line, as described in Part V.A. above.

2. Face-to-Face Contacts and "I Speak" Cards

a. Face-to-Face contacts and "I Speak" Card contacts at an MPD Facility:

- (1) Members shall:
 - (a) Attempt to locate a MPD Certified Interviewer who speaks the foreign language in question at the MPD Facility; or
 - (b) Contact the Office of Unified Communication (OUC) and request an MPD Certified Interviewer who speaks the language in question.
- (2) If an MPD Certified Interviewer who speaks the foreign language in question is not immediately available, the member handling the in-person contact shall invite the LEP/NEP person to sit at a private/semi-private location that has a speaker phone and contact the Language Line, using the procedure described in Part V.A. above.

b. Face-to-Face contacts and "I Speak" Card contacts in the Field:

- (1) When assistance is required to communicate with an LEP/NEP individual in the field, members shall radio the OUC to request the following assistance:
 - (a) An MPD Certified Interviewer for the language in question; or
 - (b) If an MPD Certified Interviewer is unavailable, delivery of an MPD cellular telephone to the member's current field location for the purpose of contacting the Language Line.

NOTE: The OUC will broadcast a request for a member who is certified in the language in question or for a member of either the Latino Liaison Unit or the Asian Liaison Unit, if appropriate, to respond to the member's location to provide bilingual interviewer

services. The OUC will also broadcast a request for delivery of an MPD cellular phone from the member's district or unit to the member's field location for the purpose of contacting the Language Line.

- (2) If the member in the field is unable to obtain an MPD Certified Interviewer or an MPD cellular telephone within a reasonable period of time:
 - (a) The member in the field may, at his/her discretion, use his/her personal cellular telephone to contact the Language Line.
 - (b) MPD shall reimburse the member for any costs related to calling the Language Line from the member's personal cellular telephone upon presentment of a cellular telephone invoice that presents the number called, the date and time of the call, and the cost of the call.

C. Written Communication

1. If a member receives a letter or other written communication in a non-English language, the written communication shall be forwarded to the Director, Language Access Program Division, using the contact information provided in Attachment B (Language Access Program Division Contact Information).
2. The Director, Language Access Programs Division, shall mail an acknowledgement letter to the sender within two (2) business days of receiving the letter in the language of the sender and arrange to have the letter or correspondence translated into English.
3. Once the written communication is translated into English, the Director, Language Access Programs Division, shall return the English version of the communication to the MPD recipient for response.
4. The member responsible for writing the response shall do so and shall then forward the response to the Director, Language Access Programs Division.
5. The Director, Language Access Programs Division, shall arrange to have the response translated into the target language and mail the response to the sender, with a copy to the member who prepared the response.

D. Procedures for Document Translation

1. If an MPD vital document translation is not available on the MPD's Internet or Intranet Web sites, members shall request a translation of that document by contacting the Director, Language Access Programs Division.
2. When members must provide LEP/NEP persons with a vital document that has not been translated into the needed language, they shall contact the OUC to request the assistance of an MPD Certified Interviewer to provide the LEP/NEP person a **sight translation**. MPD Certified Interviewers are only qualified to provide sight translation and not written translation.

NOTE: The OUC will broadcast a request for a member who is certified in the language in question or, if appropriate, for a member of either the Latino Liaison Unit or the Asian Liaison Unit to respond to the member's location to provide the needed sight translation.

3. When an MPD Certified Interviewer is not available to provide a sight translation, members shall contact the Language Line by follow the procedures in Part V.A.2.c and request a sight translation by reading the document to the interpreter.

E. Procedures for Transcribing Tapes and Other Evidence into English

The Language Access Programs Division shall translate tapes, documents, evidence, or documents submitted by LEP/NEP individuals into English when such evidence is necessary to continue the investigation and/or prosecution of a criminal case or an MPD administrative investigation.

F. Procedures for Specific Law Enforcement Situations

1. The following procedures shall apply to members who encounter LEP/NEP individuals while performing law enforcement functions, including pedestrian contacts or stops, vehicle spot checks or stops, conducting an arrest, or performing some other legitimate law enforcement function.
2. Members shall follow these procedures in all law enforcement encounters absent exigent circumstances.
 - a. Under exigent circumstances, members shall use the most reliable, temporary interpreter available.
 - b. Once the exigency has passed, members shall revert to the procedures set forth in this general order.

3. General Interviews

When conducting general interviews of LEP/NEP persons, members shall seek the assistance of an MPD Certified Interviewer, telephonic interpreter, or qualified interpreter.

4. Custodial Interrogations and Crime Victim Interviews

NOTE: Formal crime victim interviews and custodial interrogations of suspects potentially involve statements with evidentiary value, upon which an individual may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP/NEP individuals during arrests and custodial interrogations presents risks to the integrity of the process.

- a. Members must recognize that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution.
- (1) Members shall request an MPD Certified Interviewer or qualified interpreter for any custodial interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted.
 - (2) Members shall not use telephone interpreters when conducting any custodial interrogation or taking of a formal statement; an in-person MPD Certified Interviewer or qualified interpreter shall always be used.
 - (3) The preferred method for interviewing an LEP/NEP individual is direct communication. Members shall request a qualified interpreter to directly communicate with an LEP/NEP individual when an MPD Certified Interviewer is not available.
- b. During custodial interrogations, members shall:
- (1) Contact an MPD Certified Interviewer or qualified interpreter to appear in person, unless the LEP/NEP person consents to the use of an interpreter via telephone or other exigent circumstance(s) exist;
 - (2) Make an audio or video recording of all LEP/NEP custodial interrogations unless exigent circumstance(s) exist;
 - (3) Advise the LEP/NEP person of all their rights, to include Miranda;

- (4) Provide all written forms and notices to LEP/NEP person in their primary language, when available; and
 - (5) In the case of forms that have not been translated into the LEP/NEP person's primary language and in the case of illiteracy, have the forms read to the individual by the MPD Certified Interviewer or qualified interpreter, in the LEP/NEP person's primary language.
5. Field Contacts, Enforcement, and Investigations
 - a. Field contacts with LEP/NEP persons include but are not limited to traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts.
 - b. Member shall use the resources outlined in this order in all instances requiring oral interpretation or written translation services.
6. Incident Reports

Whenever a member prepares an incident report regarding an incident involving an LEP/NEP person, members shall identify on the report:

 - a. The primary language spoken by the LEP/NEP individual;
 - b. The MPD member or qualified interpreter who conducted the interview or provided the interpretation in the LEP/NEP person's language; and
 - c. The manner in which interpretation services were provided.
7. Interpreting by Family Members or Friends of the LEP/NEP Individual
 - a. A family member or friend of the individual who is LEP/NEP may not be used to interpret unless:
 - (1) The LEP/NEP Person, on his or her own, indicates that the family member or friend interprets;
 - (2) The family member or friend has no apparent conflict of interest with the LEP/NEP person; and

- (3) The family member or friend appears to be of sufficient age and maturity to understand the nature of the communications with the police.
 - b. Members shall not request or suggest that a family member or friend interpret unless required by exigent circumstances.
 - c. Even where the LEP/NEP person requests it, a member may decline to use a minor child to interpret if, in the member's judgment, the child is not of sufficient age or maturity or is otherwise unable to interpret effectively.
 - d. A friend or family member shall not be used when interpreter services are needed during a criminal investigation or in an investigation conducted by the Internal Affairs Bureau.
8. Effective Communication of Arrest, Charging and Booking Information
 - a. As soon as any necessary auxiliary aids (e.g., phonetic cards, common phrases cards) or services have been obtained, including, if necessary, the arrival of a qualified interpreter, the nature of the charges and all other information generally provided to arrestees under similar circumstances shall be communicated effectively and promptly to the LEP/NEP arrestee.
 - b. Members shall effectively communicate the information in Part V.F.8.a.:
 - (1) In the field, to the extent it is provided to arrestees generally; where provision of effective communication is not reasonably likely to result in:
 - (a) An increased risk of disruptive conduct by onlookers;
 - (b) An increased risk to the safety of a member, the arrestee, or any other person;
 - (c) A suspect's escape;
 - (d) The loss of evidence; or
 - (e) Unreasonable delay in transporting the arrestee to the station house;
 - (2) Promptly upon booking at the station house, if not already communicated in the field; and

- b. If the investigating member cannot wait until a qualified interpreter arrives because the member has to respond to another call, then:
 - (1) The investigating member shall contact his or her supervisor and advise the supervisor of the case before leaving the scene, if circumstances permit.
 - (2) The supervisor shall:
 - (a) Request that the OUC dispatch a qualified interpreter to the location of the victim, complainant, or witness, and
 - (b) Request that the OUC re-contact the member when the interpreter arrives.
 - (3) The member can request that the victim, complainant, or witness come voluntarily to the station house when a qualified interpreter is available. At that time, the investigating member shall return to the station house to complete the investigation.
- c. In conducting any criminal, traffic, or other investigation, no member shall rely solely on statements of others, without communicating with a LEP/NEP person, if the member would have communicated with a similarly situated person who was not LEP/NEP.

11. Search Warrants and Consent to Search

- a. Execution of Search Warrants:
 - (1) If a member executing a search warrant becomes aware of or has reason to believe a person with whom the member is communicating for that purpose may be LEP/NEP:
 - (a) The member shall utilize the resources presented in Part V.A. and V.B. to the extent that it is practical to do so.
 - (b) However, the use of those resources shall not impede the member from executing the warrant.
 - (2) If, in order to execute the warrant, the member needs to communicate with a LEP/NEP individual (for instance, to determine which part of the premises or property fall within the scope of the warrant), the

member shall utilize the resources presented in Part V.A. and V.B., after first securing the premises to ensure the safety of all individuals and the prevention of destruction of evidence.

- (3) If a member is executing a search warrant in a situation involving a LEP/NEP person without first utilizing the resources presented in Section V.B.:
 - (a) The member shall determine whether, in the member's judgment, the execution of the warrant is likely to take longer than ninety (90) minutes.
 - (b) If, in the member's judgment, the execution of the warrant is likely to take longer than ninety (90) minutes, and it appears that either the member or the LEP/NEP person wishes to communicate with the other, the member shall:
 - (i) Utilize the resources presented in Part V.A. and V.B. as soon as it is practical to do so, and
 - (ii) Summon an MPD Certified Interviewer, telephonic interpreter, or other qualified interpreter, if required.

b. Seeking Consent to Search

A member shall not obtain consent to enter or to search from a LEP/NEP person until an MPD Certified Interviewer, or other qualified interpreter, if required is made available to the LEP/NEP individual.

G. Documentation and Reporting

1. Listing of MPD Certified Interviewers

- a. The Language Access Programs Division shall maintain a listing of all MPD Certified Interviewers.
- b. The list shall be provided to the Command Information Center (CIC).
- c. A list of MPD Certified Interviewers containing contact information shall be provided to MPD units, other governmental units, and the public at large upon request.

2. Data Collection

- a. The District's Language Access Act of 2004 requires MPD to "collect data about the languages spoken and the number or proportion of limited or no-English proficient persons speaking a given language in the population that is served or encountered, or likely to be served or encountered."
- b. Each year, the Language Access Program Division shall collect LEP/NEP data (i.e., all calls for service, contacts, and investigations) that require an incident report and report this information to the Chief of Police and other government officials, as appropriate.

3. Community Outreach

Members shall inform the public at community meetings and other appropriate venues that:

- a. Language assistance services are available free of charge to LEP/NEP persons; and
- b. Members will provide these services to them.

H. Staff Training

1. In an effort to ensure all members are properly trained in these guidelines, the Metropolitan Police Academy (MPA) shall provide periodic training in:
 - a. Member awareness of the LEP/NEP policies;
 - b. How to access both in-person and telephone interpreters; and
 - c. How to work with interpreters.
2. The MPA shall conduct such trainings:
 - a. For new recruits;
 - b. Periodically at in-service training; and
 - c. During roll call training for members at least once every two (2) years.

VI. ROLES AND RESPONSILITIES

- A. Members shall ensure compliance with this order.
- B. The Director, Language Access Programs Division shall:

1. Provide information regarding the Language Line Telephonic Interpreter Service to members upon request;
 2. Periodically issue a Teletype reminding members of the information necessary to access the Language Line Telephonic Interpreter Service;
 3. Translate written communication received by the MPD in accordance with the procedures outlined in Part V.C.;
 4. Provide vital document translation of MPD documents that are not available on the MPD's Internet or Intranet Web sites;
 5. Translate tapes, documents, evidence, or documents submitted by LEP/NEP individuals into English when such evidence is necessary to continue the investigation and/or prosecution of a criminal case or a MPD administrative investigation;
 6. Maintain a listing of all MPD Certified Interviewers and provide the list to the CIC and to other MPD units, other governmental units, and the public at large upon request; and
 7. Collect LEP/NEP data related to all calls for service, contacts and investigations that require an incident report and report this information to pertinent MPD and other government officials.
- C. Commanding officials shall ensure district stations and specialized units that are open to the public display signage informing persons who visit or are taken to an MPD facility of their right to obtain assistance free of charge in a language they can understand. The following signage may be obtained from the Language Access Programs Division:
1. *"Interpretation Services Available" Wall and/or Desktop Poster* – A poster or desktop sign produced by Language Line Services, Inc. that states the following in twenty languages:

"Point to your language. An interpreter will be called. The interpreter is provided at no cost to you."
 2. *"We Can Help You" Poster* – A poster that states the following in six (6) languages:

"We Can Help You In Over 150 Languages. It is the policy of the Metropolitan Police Department to provide quality, accurate, and timely services to all persons who wish to utilize or participate in MPD services, programs and activities, regardless of their ability to speak English. If you do not speak English very well or simply feel more comfortable speaking in a language other than English, please feel free to ask any MPD member for assistance in your

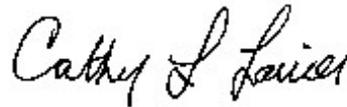
language. We will arrange to obtain someone who speaks your language at no cost to you.”

VII. CROSS REFERENCE

- A. D.C. Official Code § 2-1902(e) (Arrest of a Communication-Impaired Person)
- B. D.C. Official Code § 2-1931 (Language Access Act of 2004)

VIII. ATTACHMENTS

- 1. Attachment A: Language Access Mandates
- 2. Attachment B: Language Access Program Division Contact Information
- 3. Attachment C: Language Access Program Resources
- 4. Attachment D: Language Line Access Information (**LAW ENFORCEMENT USE ONLY**)



Cathy L. Lanier
Chief of Police

CLL:PH:MOC:CC:JC:ER

Metropolitan Police Department Language Access Mandates

Federal Law

Title VI of the Civil Rights Act of 1964 states: *No person in the United States shall, on ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.* Failure to provide oral interpretation and written translation services to LEP/NEP individuals may be construed as national origin discrimination.

Presidential Order

On August 11, 2000, President Clinton issued Executive Order 13166, entitled *Improving Access to Services for Persons with Limited English Proficiency*. Under this order, all federal agencies and recipients of federal assistance must ensure meaningful access to their programs and activities by LEP persons. As a recipient of federal funds, MPD must comply with this order.

DC Law

The Language Access Act of 2004, D.C. Code § 2-1931, requires MPD to provide oral language services at a level equal to English proficient individuals to all LEP persons who seek to access or participate in the services, programs, or activities offered by MPD. The law also requires MPD to translate all of its “vital documents” (such as applications, notices, complaint forms, legal contracts, and outreach materials) into “any non-English language spoken by a limited or non-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered.”

The D.C. Interpreters for Hearing Impaired and Non-English Speaking Persons Act, D.C. Code § 2-1901, et seq., requires specific efforts on the part of police officers to ensure fair and accurate communication with an arrested person who LEP.

D.C. Code § 2-1902 (e) provides:

(1) Whenever a communication-impaired person is arrested and taken into custody for an alleged violation of a criminal law, the arresting officer shall either:

(A) Procure a qualified interpreter to translate or interpret information to and from the person during any custodial interrogation, warning, notification of rights, or taking of a written or oral statement; or

(B) Have a qualified interviewer conduct the custodial interrogation, warning, notification of rights, or taking of a written or oral statement in a language other than English, including sign language.

(2) No person who has been arrested but who is otherwise eligible for release shall be held in custody pending arrival of a qualified interpreter or qualified interviewer.

(3) No answer, statement, or admission, written or oral, made by a communication-impaired person in reply to a question of a law enforcement officer may be used against that communication-impaired person in any criminal or delinquency proceeding unless the answer, statement, or admission was made or elicited through either a qualified interpreter or a qualified interviewer and was made knowingly, voluntarily, and intelligently or, in the case of a waiver, unless the court makes a special finding upon proof by a preponderance of the evidence that the answer, statement, or admission made by the communication-impaired person was made knowingly, voluntarily, and intelligently.

(4) A qualified interpreter shall be used to translate any statement taken by a qualified interviewer into English for use in any criminal or delinquency proceeding.

The reasoning behind these mandates is straightforward. English is the national language of the United States and most foreign speakers who live in the U.S. for any length of time learn English to some degree. However, language learning always occurs in stages and depends greatly on one's educational level, access to classes, and daily living or working environments. A non-English proficient (NEP) person or limited English proficient (LEP) individual has a right to access important state and federal programs and services, just as an English-speaking person does. This directive is designed to ensure that the department's programs and services are equally accessible to all persons living, working, or visiting the District of Columbia, regardless of language.

Metropolitan Police Department Language Access Program Division Contact Information

Physical Address:

Language Access Programs Division,
Metropolitan Police Department,
300 Indiana Avenue, NW,
5th Floor, Room 5031,
Washington, DC 20001

Telephone Number:

(202) 727-9023

Metropolitan Police Department Language Access Program Resources

The following language access resources are available to all MPD members:

- A. Oral Interpretation Resources
 - 1. *The Language Line* – This service provides oral interpretation services over the telephone. Any MPD member who requires an oral interpreter in any of over 150 languages may obtain an oral interpreter over the telephone using the procedure found in Attachment D.
 - 2. *MPD Certified Interviewers* – These are MPD members who have passed an oral language proficiency test in one (1) or more languages and are authorized by the MPD to interview or otherwise communicate with LEP/NEP persons in the language in which they have been certified. MPD Certified Interviewers are not certified to provide oral interpretation services as a third party in any communication with one or more LEP/NEP persons. An MPD member who requires the assistance of an MPD Certified Interviewer must contact the Office of Unified Communications (OUC) to request an MPD Certified Interviewer. OUC will broadcast a request for a member who is certified in the language in question or, if appropriate, for a member of either the Latino Liaison Unit or the Asian Liaison Unit to respond to the member's location to provide the needed language service.
 - 3. *Qualified Interpreters* – These are bilingual persons who are certified by federal or local courts, or other certifying organizations, to provide oral interpretation services. MPD members may utilize qualified interpreters at community events, meetings, hearings, or other activities involving LEP/NEP persons. An MPD member who requires the assistance of a qualified interpreter may obtain one by contacting the Language Access Programs Division.
 - 4. *Order of Preference* - Members shall provide oral interpretation services to LEP/NEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances.

- a. Direct Communication by an MPD Certified Interviewer: The preferred method of providing services to LEP/NEP persons is through the use of an MPD Certified Interviewer.
- b. Telephone Interpreter: When MPD Certified Interviewers are not available to provide services in person, MPD members may utilize use the Language Line to access oral interpretation services by telephone.
- c. Use of Qualified Interpreter: Members may obtain a Qualified Interpreter to provide in person oral interpretation services by contacting the Language Access Programs Division. Members should take reasonable steps to ensure that the qualified interpreter does not know any of the parties.

B. Written Translation Services

1. *Vital Document Translation Services* – “Vital documents” are any documents that inform individuals about their rights or enable them to participate in, or utilize, MPD programs and services. Examples of vital documents are applications, notices, complaint forms, legal contracts, outreach materials, and other MPD publications designed for use with the public. MPD has translated all of its vital documents into those non-English languages that represent 3% or 500 individuals, whichever is less, of the District of Columbia population. These translated documents are available to members on the MPD’s Intranet or Internet sites. If an MPD vital document translation is not available on these sites, MPD members may request a translation of that document by contacting the Language Access Programs Division.
2. *Sight Translation Services* – When MPD members require the use of a vital document that has not been translated into a needed language, they may request the assistance of an MPD Certified Interviewer to provide a sight translation. An MPD member who requires the assistance of an MPD Certified Interviewer must contact OUC to request an MPD Certified Interviewer. OUC will broadcast a request for a member who is certified in the language in question or, if appropriate, for a member of either the Latino Liaison Unit or the Asian Liaison Unit to respond to the member’s location to provide the needed sight language service.

C. Signage

All district stations and specialized units that are open to the public must post signage that informs all persons who visit or are taken to an MPD facility about their right to obtain assistance in a language they can understand.

The following signage may be obtained from the Language Access Programs Division:

1. *“Interpretation Services Available” Wall and/or Desktop Poster* – A poster or desktop sign produced by Language Line Services, Inc. that states the following in twenty languages: “Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”
2. *“We Can Help You” Poster* – A poster that states the following in six languages: “We Can Help You In Over 150 Languages. It is the policy of the Metropolitan Police Department to provide quality, accurate, and timely services to all persons who wish to utilize or participate in MPD services, programs and activities, regardless of their ability to speak English. If you do not speak English very well or simply feel more comfortable speaking in a language other than English, please feel free to ask any MPD member for assistance in your language. We will arrange to obtain someone who speaks your language at no cost to you.”

D. Other Resources

The following resources may be obtained from the Language Access Programs Division:

1. *“Language Identification Card”* – A four-fold brochure used to identify over 100 languages grouped by geographical region (Pacific Islands, Europe, etc.).
2. *MPD Language Line Information Card* – A card designed to be used by members to access the language line. The card – a tent-style card that is the size of a business card – provides a ready reference to the language line’s toll-free access number, MPD’s client ID number and access code, and information on how to work with an interpreter.

3. *Visual Communications Card* – An icon based communication device that enables the immediate exchange of critical information between two people who do not share a common language. The device can also be used with persons who are learning disabled, deaf, and illiterate.