

EXECUTIVE ORDER



DISTRICT OF COLUMBIA

Subject: Interactions With Limited-English Proficient and Non-English Proficient Individuals
Number
17-021
Effective Date
June 30, 2017
Related To: GO-SPT-304.18 (Language Access Program) GO-502.06 (Citation Release Program) SOP-06-02 [PD Form 61D (Violation Citation)]

I. PURPOSE

The purpose of this executive order is to remind members of required services for limited-English proficient (LEP) and non-English proficient (NEP) individuals and to provide instruction regarding common forms that are available and must be provided to LEP/NEP arrestees [i.e., the “Notice to Appear in Court or Post and Forfeit” and the PD Form 47 (Warning as to Your Rights)].

II. DEFINITIONS

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

1. MPD certified interviewer – bilingual or multilingual MPD member who has been certified and authorized to interview LEP/NEP persons in certain situations.
2. 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.
3. Telephonic interpreter – qualified interpreter who provides language interpretation services over the telephone.

III. REGULATIONS

A. Language Access Services Reminder

1. In the event members encounter someone who is LEP/NEP, members are reminded to follow the procedures for securing professional language services as outlined in GO-SPT-304.18 (Language Access Services).

2. In accordance with GO-SPT-304.18, 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. **Telephonic Interpreter**: When MPD Certified Interviewers are not available to provide services in person, MPD members may use the Language Line to access oral interpretation services by telephone.
 - c. **Use of a Qualified Interpreter**: Members may obtain a Qualified Interpreter to provide in person oral interpretation services by contacting the Language Access Programs Branch. Members should take reasonable steps to ensure that the qualified interpreter does not know any of the parties.
3. In accordance with GO-SPT-304.18, whenever a member prepares a field 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 certified interviewer, telephonic interpreter, 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.

B. Citation Release and Post and Forfeit for LEP/NEP Individuals

1. When a custodial or non-custodial arrest of an LEP/NEP individual is resolved either by citation release or post and forfeit, station personnel shall ensure the arrestee is provided with the "Notice to Appear in Court or Post and Forfeit" form in the appropriate language.
 - a. The "Notice to Appear in Court or Post and Forfeit Form" is available in the following languages: Amharic, Chinese, English, Korean, Spanish, Vietnamese, and French.
 - b. Members shall access the forms from the District of Columbia Court's website:
http://www.dccourts.gov/internet/legal/aud_criminal/criminalforms.jsf.
If the District of Columbia Courts website is not working, members may access the forms from the MPD Intranet by clicking "PEP Arrest Packages" under "Investigative Services" on the MPDC Inside

Homepage.

2. If a “Notice to Appear in Court or Post and Forfeit” form is not available in the arrestee’s corresponding language, the member shall:
 - a. In accordance with GO-SPT-304.18, seek assistance in interpreting the form for the arrestee.
 - b. Complete the language interpretation fields on the Arrest Card in the records management system (RMS).
 - c. Provide the arrestee with the English version of the form after the arrestee is provided interpretation services.
- C. PD Forms 47 (Warning as to Your Rights)
1. Members who need to complete PD Forms 47 (Warning as to Your Rights) for LEP/NEP arrestees shall use the form in the arrestees’ corresponding language.
 2. The PD Form 47 may be found on the MPD Intranet by clicking “PEP Arrest Packages” under “Investigative Services” on the MPDC Inside Homepage and is available in the following languages: Amharic, Chinese, English, Korean, Spanish, Vietnamese, and French.
 3. If a PD Form 47 is not available in the arrestee’s corresponding language, the member shall:
 - a. In accordance with GO-SPT-304.18, seek assistance in interpreting the form for the arrestee.
 - b. Complete the language interpretation fields on the Arrest Card in the RMS.
 - c. Provide the arrestee with the English version of the form prior to their release.



Peter Newsham
Chief of Police