

# GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
<b>Language Access Program</b>		
Topic	Series	Number
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## I. PURPOSE

It is the policy of the MPD to provide free language access services to all limited and non-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.

The Metropolitan Police Department (MPD) is required by federal law, Presidential Order, and District of Columbia (D.C.) Official Code § 2-1931 to provide equal access to programs and services to all persons living, working, or visiting the District regardless of their ability to speak English. The purpose of this directive is to ensure that MPD's programs and services meet the requirements of the Language Access Act of 2004. The Language Access Act of 2004 requires MPD to provide oral language services **at a level equal to English proficient individuals** to all limited or non-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 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 by MPD;

3. Establish, implement, and maintain a compliance strategy that reflects a language access plan; and
4. Identify a language access coordinator.

## II. PROCEDURES

### A. General Procedures

1. 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 including but not limited to:
  - a. Asking all customers if they need assistance in a language other than English; and
  - b. Providing language assistance at all times if requested by an LEP/NEP person regardless of the person's perceived level of English proficiency.
    - (1) The language assistance shall be obtained in the following order of preference:
      - (a) An MPD certified interviewer;
      - (b) A telephonic interpreter; or
      - (c) A qualified interpreter.
    - (2) When a crime has been committed, members may use a telephonic interpreter first if a bilingual member is not immediately available.
2. In every circumstance where LEP/NEP persons and MPD members need to communicate, members shall:
  - a. Provide appropriate language access services;
  - b. 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

NOTE: The D.C. Office of Human Rights has developed the following wait times for testing purposes: For a LEP/NEP individual who shows up in-person, 10 minutes or less for a face-to-face interpreter and five minutes or less for Language Line

interpretation. For a LEP/NEP individual who calls in by phone, seven minutes or less to transfer the call to a bilingual employee and five minutes or less to transfer the call to the Language Line.

- c. Provide language access services in a manner that ensures full and accurate communication between the member and the LEP/NEP individual.
3. 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 in a language they can understand, free of charge.
4. Members shall take reasonable steps to ensure that the qualified interpreter does not know any of the parties involved in the situation. (See Part II.G.7 regarding the use of family members, neighbors, friends, volunteers, bystanders and children for language assistance).
5. 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, in accordance with Part II.B.2 of this order.

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

6. 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.

## B. 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 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 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 II.B.2 below, and
    - (b) Obtain, in the following 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 or 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 complete an “Offer of Free Interpreter Services Waiver Form” found on the MPD intranet under MPD Online Forms and proceed with communicating with the person in English.
      - (1) The member shall ensure that both the top and bottom portions of the form are filled out.

- (2) The member shall make reference in the Field Report that the person consented to waive the interpreter and that a waiver was signed.
- (3) If the person speaks a language other than Amharic, Chinese, French, Korean, Spanish, or Vietnamese, the member shall use the language line or MPD certified interviewer.

## 2. Identification of Primary Language

MPD members may use three 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 or her communication.
- b. Use 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 use 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 Branch.
  - (2) Members shall display the language identification card to the LEP/NEP person so the person can identify the language he or she speaks prior to calling an MPD certified interviewer, telephonic interpreter, or qualified interpreter.
- c. Contact the Language Line Telephonic Interpreter Service.
  - (1) Members shall contact the Language Line service, by using the Language Line App or 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.

- (a) Members shall be aware that the use of video-based function of the Language Line App is restricted to American Sign Language (ASL) calls only; no video-based calls shall be made for any spoken-languages.
- (2) 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.

## C. 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 II.B. 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 initiate a conference call by contacting the Language Line in accordance with Part II.B. of this order.

### 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 an 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 or semi-private location that has a speaker phone and contact the Language Line, using the procedure described in Part II.B. 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 contact 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 cell 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 cell 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 cell telephone within a reasonable period of time:

- (a) The member in the field may, at his or her discretion, use his or her personal cell telephone to call the Language Line.
- (b) MPD shall reimburse the member for any costs related to calling the Language Line from the member’s personal cell telephone upon presentment of a cell telephone invoice that displays the number called, the date and time of the call, and the cost of the call.

NOTE: Members are reminded that in accordance with Part II.A.1.b.(2) of this order, when a crime has been committed,

the language line may be used first if a bilingual member is not immediately available.

D. 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 Language Access Programs Branch Manager using the contact information found on the MPD internet telephone directory.
2. Once the written communication is translated into English, the Language Access Programs Branch Manager shall return the English version of the communication to the MPD recipient for response.
3. The member responsible for writing the response shall do so and shall then forward the response to the Language Access Programs Branch Manager.
4. The Language Access Programs Branch Manager shall arrange to have the response translated into the target language and provide the response to the sender, with a copy to the member who prepared the response.

E. Document Translation

1. If an MPD vital document translation is not available on the MPD's Internet or Intranet websites, members shall request a translation of that document by contacting the Language Access Programs Branch Manager.
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 following the procedures in Part II.B.2.c and request a sight translation by reading the document to the interpreter.

F. Transcribing Recordings and Other Evidence into English

1. The Language Access Programs Branch shall translate recordings, documents, evidence, or documents submitted by LEP/NEP individuals into English when such evidence is necessary to continue the



investigation or prosecution of a criminal case or an MPD administrative investigation.

G. 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 where exigent circumstances exist:
  - a. 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 shall ensure compliance with GO-SPT-304.16 (Electronic Recording of Custodial Interrogations) when conducting custodial interrogations.
- b. Where a member seeks to interview or interrogate a suspect who is LEP/NEP, the member shall defer the interrogation or interview pending the appearance of a qualified interpreter.
- c. If it is determined, through the process outlined in Part II.B., that a qualified interpreter is necessary to communicate effectively, the member shall not interrogate and shall not Mirandize the suspect until a qualified interpreter has arrived. When the qualified interpreter arrives, the Miranda warning shall be administered through the qualified interpreter.

- d. The provisions of this directive shall be in addition to, and not in place of, the requirements of D.C. Code § 2-1902(e) when that section is otherwise applicable.
  - e. Members shall be aware 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.
  - f. 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 circumstances exist;
    - (2) Make an audio or video recording of all LEP/NEP custodial interrogations unless exigent circumstances exist;
    - (3) Advise the LEP/NEP person of all their rights, to include Miranda;
    - (4) Provide all written forms and notices to LEP/NEP persons 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. Members shall use the resources outlined in this order in all instances involving LEP/NEP persons when conducting field

contacts, stops, serving restraining orders, conducting crowd/traffic control, executing warrants, and during other routine field activities.

6. Incident Reports

- a. Whenever a member prepares a Field Report regarding an incident involving an LEP/NEP person, members shall identify on the report:
- (1) The primary language spoken by the LEP/NEP individual;
  - (2) The MPD member, telephone interpreter, or qualified interpreter who conducted the interview or provided the interpretation in the LEP/NEP person's language; and
  - (3) The manner in which interpretation services were provided.

7. Interpreting by Family Members or Friends of the LEP/NEP Individual

- a. 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.
- b. In the case of exigent circumstances, the member shall:
- (1) Ensure the person used to interpret:
    - (a) Has no apparent conflict of interest with the LEP/NEP person; and
    - (b) Appears to be of sufficient age and maturity to understand the nature of the communications with the police.

**NOTE:** 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.

- (2) If a family member, neighbor, friend, volunteer, bystander, or child is used to interpret, the member shall complete an "Offer of Free Interpreter Services Waiver Form" and follow the procedures in Part II.B.1.b.(2)(b) of this order.

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:
    - (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;
    - (2) Promptly upon booking at the station, if not already communicated in the field; and
    - (3) No later than two hours after arrest, unless not possible by reason of injury or other exigent circumstances.
  - c. In mass arrest situations occasioned by riot, organized civil disobedience, or other widespread civil disturbance, members shall:
    - (1) Notify the OUC of the need to summon a qualified language interpreter as soon as it becomes apparent that an LEP/NEP person is among the arrestees.

NOTE: The OUC will summon a qualified language interpreter (or more than one, as necessary) to come to the location where the arrestee will be booked and processed.
    - (2) When using the language interpreter, book and process the LEP/NEP arrestee in the same manner and with the same speed as other arrestees who are not LEP/NEP.
9. Citation Release and Post and Forfeit for LEP/NEP Individuals
- a. When a LEP/NEP arrestee is released either by citation release or by 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.

- (1) 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.
  - (2) Members shall access the forms from the District of Columbia Court’s website:  
<http://www.dccourts.gov/services/criminal-matters/criminal-forms-and-lists> 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.
- b. If a “Notice to Appear in Court or Post and Forfeit” form is not available in the arrestee’s corresponding language, the member shall:
- (1) In accordance with the procedures in this order, seek assistance in interpreting the form for the arrestee.
  - (2) Complete the language interpretation fields on the Arrest Card in the RMS.
  - (3) Provide the arrestee with the English version of the form after the arrestee is provided interpretation services.
10. Issuing a PD Form 47 (Warning as to Your Rights) to LEP/NEP Individuals
- a. Members who need to complete a PD Forms 47 (Warning as to Your Rights) for LEP/NEP arrestees shall use the form in the arrestees’ corresponding language.
  - b. 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.
  - c. If a PD Form 47 is not available in the arrestee’s corresponding language, the member shall:
    - (1) In accordance with the procedures in this order, seek assistance in interpreting the form for the arrestee.
    - (2) Complete the language interpretation fields on the Arrest Card in the RMS.

- (3) Provide the arrestee with the English version of the form prior to their release.

11. Interviewing a Victim, Complainant, or Witness Who is LEP/NEP

- a. If it is determined that a qualified interpreter is necessary to communicate effectively with a victim, complainant, or witness, then the investigating member shall provide the victim, complainant, or witness with a qualified interpreter.
- 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.

12. Search Warrants and Consent to Search

- a. Members shall ensure compliance with GO-PCA-702.03 (Search Warrants) when conducting searches.
- b. 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 use the resources presented in Part II.B and II.C to the extent that it is practical to do so.
  - (b) However, the use of those resources shall not prevent the member from executing the warrant.
- (2) If, in order to execute the warrant, the member needs to communicate with an LEP/NEP individual (for instance, to determine which part of the premises or property fall within the scope of the warrant), the member shall use the resources presented in Part II.B. and II.C., 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 an LEP/NEP person without first using the resources presented in Part II.C.:
- (a) The member shall determine whether, in the member's judgment, the execution of the warrant is likely to take longer than 90 minutes.
  - (b) If, in the member's judgment, the execution of the warrant is likely to take longer than 90 minutes, and it appears that either the member or the LEP/NEP person wishes to communicate with the other, the member shall:
    - (i) Use the resources presented in Part II.B. and II.C. as soon as it is practical to do so; and
    - (ii) Summon an MPD certified interviewer, telephonic interpreter, or other qualified interpreter, if required.

c. Seeking Consent to Search

- (1) A member shall not obtain consent to enter or to search from an LEP/NEP person until an MPD certified interviewer, or other qualified interpreter, if required is made available to the LEP/NEP individual.

H. Documentation and Reporting

1. Listing of MPD Certified Interviewers

a. The Language Access Programs Branch Manager shall:

- (1) Maintain a listing of all MPD certified interviewers. The list shall contain the name of the member, the member's badge

number (if applicable), CAD number, the language for which the member has been certified and the date of the certification and its expiration.

- (2) Provide the list and any updates to the list to the Human Resources Management Division (HRMD).

## 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 non-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 Programs Branch shall collect LEP/NEP data (i.e., all calls for service, contacts, and investigations) that require a Field Report and report this information to the Chief of Police and other government officials, as appropriate.

## 3. Community Outreach

- a. Members shall inform the public at community meetings and other appropriate venues that language assistance services are available free of charge to LEP/NEP persons.

## I. 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 and civilians;
  - b. Periodically at in-service training; and
  - c. During roll call training for members at least once every two years.

## J. Language Services Stipend

1. Members may be certified in any foreign language and American Sign Language provided the certifying agency the Department has contracted with is capable of testing the member in the foreign language.



2. Although the MPD recognizes members who are multilingual, MPD shall only issue one stipend per member, regardless of the number of languages that the member is certified as being proficient.
3. Full time permanent sworn or civilian member may request, through the chain-of-command to the Language Access Program Manager or his or her designee, to test for language proficiency and thereby receive the language stipend upon certification.
4. All requests for language certification shall be reviewed by the Language Access Program Manager to determine eligibility, and the Language Access Program Manager or his or her designee shall arrange for the member to be tested by an outside certifying agency.
5. To receive a language skills stipend, a member shall demonstrate that he or she has been certified to speak a foreign language at a proficiency level three (High Intermediate) or above.
  - a. Provided that the member uses the authorized vendor selected by the Department, the cost of taking the certification examination shall be paid by the Department.
  - b. The Department shall only recognize certifications from authorized vendors selected by the Department.
  - c. Members who fail the certification examination shall not be eligible to reapply for certification until 12 months from the date of the last examination.
6. Members shall be re-certified to receive language skills stipends every three years. Members who fail to re-certify shall be ineligible to receive the stipend.
7. Members receiving a language skills stipend shall be aware that they may be required to respond outside of their assigned organizational element in order to provide translation services in the language for which they have been certified.
8. Members may appeal the denial of the language skills stipend.
  - a. Any member who has taken the language skills examination but has not scored a proficiency level of three or above may request to have his or her test reviewed by the certifying agency. The request for review of the test score shall be made in writing to the Language Access Programs Branch Manager and shall state the reasons the member believes he or she is entitled to a re-test.
  - b. The Language Access Programs Branch Manager shall review the request and upon determination that the member is entitled to a re-test shall forward the request to the certifying agency for the re-

test. The decision of the certifying agency with respect to the re-test is final.

K. Language Access Programs Branch Manager

The Language Access Programs Branch Manager shall:

1. Coordinate with the Director of the MPA to educate and train the Department on the requirements of the DC Language Access Act of 2004 and provide refresher trainings on this General Order and others related to Language Access.
2. Provide information regarding the Language Line Telephonic Interpreter Service to members upon request.
3. Periodically issue guidance reminding members of the information necessary to access the Language Line Telephonic Interpreter Service.
4. Respond to the Office of Human Rights (OHR) findings of noncompliance with the Language Access Act:
  - a. By addressing the required remedy within the timeframe designated in the OHR's final decision and order; or
  - b. By filing for reconsideration within 15 calendar days of receiving the OHR's final decision and order in accordance with DCMR § 4-1225 (Reconsideration).
5. Track language access complaints made against members at the Districts and through the Office of Police Complaints.
6. Be responsible for the following duties related to the language service stipend:
  - a. Notify member of the results of the language certification examination.
  - b. Forward the certification to the Payroll to initiate the Language Skills stipend in the member's paycheck.
  - c. Re-evaluate members every three years to determine their continuing eligibility to receive a language skills stipend.

L. Commanding Officials

Commanding officials shall:

1. Ensure district stations and specialized units that are open to the public have a supply of "How to File a Complaint Against a Police Officer" brochures, in Amharic; Chinese; English; Korean; Spanish; Vietnamese; and French, and 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 Branch:

- a. *“Interpretation Services Available” Wall 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.”

- b. *“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 use 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.”

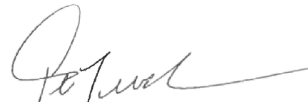
### III. DEFINITIONS

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

	<b>Term</b>	<b>Definition</b>
1	Bilingual	Ability to use two languages proficiently.
2	Certified interviewer list	Accounting of MPD personnel who are bilingual or multilingual and are authorized to act as qualified interviewers. The Internal Affairs Bureau, Equal Employment Opportunity (EEO) Investigative Division, Language Access Programs Branch, 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 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	Assessing the need for and offering oral language services, and providing written translation of “vital documents”.
6	Language skills certificate	Certificate issued by an accredited language skills program that indicates a person is qualified and certified to provide interpretation or translation services in a particular language.

7	Language skills stipend	Stipend not to exceed fifty dollars (\$50.00) per stipend period (i.e., two-week pay period) for members who have been certified to provide translation or interpretive services in the performance of their job responsibilities.
8	Limited or non-English Proficiency (LEP/NEP)	Inability to adequately understand or to express oneself in the spoken or written English language.
9	MPD certified interviewer	Bilingual or multilingual MPD member who has been certified to interview LEP/NEP persons in certain situations.
10	Member	Sworn or civilian MPD employee or MPD Reserve Corps member.
11	Multilingual	Ability to use more than two languages proficiently.
12	Oral interpreter	Person who translates orally from one language (source language) into another language (target language).
13	Primary language	Native tongue or the language in which an individual most effectively communicates.
14	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.
15	Telephonic interpreter	Qualified interpreter who provides language interpretation services over the telephone.
16	Translation	<p>Replacement of wording from one language (source language) into an equivalent wording in another language (target language).</p> <ol style="list-style-type: none"> <li>a. Written translation – replacement of written text from one language (source language) into an equivalent written text in another language (target language).</li> <li>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.</li> </ol> <p><b>NOTE:</b> 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 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.</p>
17	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.
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Peter Newsham  
Chief of Police

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