

GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
Language Access Program		
Topic	Series	Number
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GO 201.09 (Equal Employment Opportunity Program)		
GO 201.35 (Customer Service Standards and Testing)		
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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")		

I.	Background	Page	1
II.	Policy	Page	2
III.	Definitions	Page	2
IV.	Regulations	Page	4
V.	Procedures	Page	6
V.A.	Procedures for Identifying LEP/NEP Persons and Primary Language	Page	6
V.B.	Procedures for Oral Interpretation	Page	8
V.C.	Procedures for Written Communication	Page	10
V.D.	Procedures for Document Translation	Page	11
V.E.	Procedures for Transcribing Tapes and Other Evidence into English	Page	11
V.F.	Procedures for Specific Law Enforcement Situations	Page	11
V.G.	Documentation and Reporting	Page	18
V.H.	Staff Training	Page	18
VI.	Roles and Responsibilities	Page	19
VII.	Cross References	Page	20
VIII.	Attachments	Page	20

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 (D.C.), 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 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 and implement a language access plan; and
4. Identify a language access coordinator.

II. POLICY

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.

III. DEFINITIONS

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

1. Bilingual – ability to use two languages proficiently.
2. Certified interviewer list – accounting of MPD personnel who are bilingual and are authorized to act as qualified interviewers. The Patrol Services Bureau, Special Liaison 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. Limited or non-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 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 language (source language) into an equivalent wording in another language (target language).
 - a. Written translation – replacement of written text from one 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 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 including but not limited to:
 1. Asking all customers if they need assistance in a language other than English and automatically calling the language line when they encounter a LEP/NEP constituent; and
 2. Providing language assistance – either by phone or through a qualified interpreter – at all times if one is requested by an LEP/NEP constituent - regardless of the constituent's perceived level of English proficiency.
- B. In every circumstance where 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 in a language they can understand, free of charge.
- 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 (See Part V.F.7.e. of this order).
- 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 an 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 or 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 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 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 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 proceed with communicating with the person in English.

2. Identification of Primary Language

MPD members may utilize 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/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 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. Call the Language Line Telephonic Interpreter Service.
- (1) Members 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; or
 - (b) 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 or 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 or her discretion, use his or 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 presentation 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 of the Language Access Programs Branch using the contact information provided in Attachment B (Language Access Programs Branch Contact Information).
2. The Director of the Language Access Programs Branch shall mail an acknowledgement letter to the sender within two 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 of the Language Access Programs Branch 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 of the Language Access Programs Branch.
5. The Director of the Language Access Programs Branch 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 of the Language Access Programs Branch.
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 Branch shall translate tapes, 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.

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 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 V.A., 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. 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. Members 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 unless exigent circumstances exist. In the case of exigent circumstances, the member shall ensure an MPD certified interviewer or qualified interpreter is contacted to follow up with the LEP/NEP person.
 - e. 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*" (See Attachment C).
 - (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 PD Form 251 that the person consented to waive the interpreter and that a waiver was signed.

- (3) If the person speaks a language other than those listed in Attachment C, the member shall utilize the language line or MPD certified interviewer.
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
 - (3) In no event 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. 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.
10. 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 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 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 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 an LEP/NEP person without first utilizing the resources presented in Part V.B.:
 - (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) 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.
- c. Seeking Consent to Search

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.

G. Documentation and Reporting

1. Listing of MPD Certified Interviewers

- a. The Language Access Programs Branch 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 and other governmental units 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 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 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 years.

VI. ROLES AND RESPONSILITIES

- A. The Director of the Language Access Programs Branch 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. 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).
- 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 Branch:
 1. *"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."

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 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.”

3. *“Assisting Non-English Speakers” Poster* – a poster that describes what to do and not to do during face-to-face and telephone contacts with LEP/NEP persons and describes how members can contact and utilize the Language Line.

VII. CROSS REFERENCE

- A. GO-SPT-304.16 (Electronic Recording of Custodial Interrogations)
- B. GO-PCA-702.03 (Search Warrants)
- C. D.C. Official Code § 2-1902(e) (Arrest of a Communication-Impaired Person)
- D. D.C. Official Code § 2-1931 (Language Access Act of 2004)
- E. DCMR § 4-1225 (Reconsideration)

VIII. ATTACHMENTS

1. Attachment A: Language Access Mandates
2. Attachment B: Language Access Programs Branch Contact Information
3. Attachment C: Offer of Free Interpreter Services Waiver Form
4. Attachment D: Language Access Program Resources

Cathy L. Lanier
Chief of Police

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 Programs Branch Contact
Information**

Physical Address:

Language Access Programs Branch,
Metropolitan Police Department,
801 Shepherd Street, NW,
Washington, DC 20001

Telephone Number:

(202) 576-6600

Offer of Free Interpreter Services Waiver Form

ነፃ የአስተርጓሚ አገልግሎቶችን የመተው ቅጽ

እኔ፣ _____ የ2004 ዓ.ም የዲ.ሲ. የቋንቋ አትርቦት አዋጅ መሠረት የሰለጠነና ባለሞያዊ
<insert Constituent's Name here>

የሆነ አስተርጓሚ ከኔ ምንም ምንም ላይ ከሌላ ሰው የማግኘት መብት አንዳለኝ _____
<insert Agency Name here>

ማሳጠብን አረጋግጣለሁ።

እኔ ይህንን አገልግሎት እምቢ ብዬ እኔ አራሴ ለይቼ ባወቅኩት በአንድ ሰርዳታ አስተርጓሚ እንደምመክ ከዚህ በታች በመረጠሁ
አስማግጣለሁ።

ይህ ገለሰብ በ _____ ያልታወቀ ጠይም ያልተገመገመ እንደሆነና
<insert Agency Name here>

_____ ይህንን አገልግሎት ለመስጠትም
ሆነ ከነዚህ
<insert Agency Name here>

አገልግሎቶች የተነሳ ለሚደርስ ለማግኘትም ነገር ተጠያቂ አንዳይደለ እኔ አውቃለሁ ።

እኔ ይህንን የምተወው ለዚህ ለአንድ ጊዜ ብቻ መሆኑንም ደግሞ አውቃለሁ። እኔ ወደፊት
ከ _____
<insert Agency Name here>

የአስተርጓሚ ሰርዳታ ብሬልግብ ይህንን አገልግሎት ለመጠየቅ ድርጅቱን በተገታ እንደምገናኝ አሳውቃለሁ።

ለም

ፊርማ

ቀን

OFFER OF FREE INTERPRETER SERVICES WAIVER FORM

I, _____, acknowledge that _____ has notified me of my right to a professional and trained interpreter as required by the D.C. Language Access Act of 2004 at no cost to me. By signing below I agree that I have refused this service and opted to rely on interpreter assistance by someone I have identified. I am aware that this individual was not identified by or vetted through _____ and that _____ is neither responsible for the provision of these services nor does not incur any liability that may result from these services. I am also aware that this waiver only applies to this one instance. If I require interpreter assistance from _____ in the future, I will notify the agency directly to request this service.

Print Name

Signature

D.C. Office of Human Rights
Language Access Program
§ 1205.18 of Chapter 12, IV DCMR

Date

Amharic

放弃接受免费口译服务书

我, _____, 承认 _____ 已通知我, 根据2004年D.C
<insert Constituent's Name here> <insert Agency Name here>

华盛顿特区语言权力法案 (D.C. Language Access Act of 2004) 的规定, 我有权免费获得一名专业且训练有素的口译员的服务。通过在下面签名, 我同意拒绝接受这一服务, 并选择使用由本人认定的人员所提供的口译服务。我明白该人员未经过 _____ 鉴定或审查, 且 _____ 不负责提供该人员口译服
<insert Agency Name here> <insert Agency Name here>

务, 亦不承担可能由该人员提供之口译服务而引起的任何责任。我亦明白本放弃书仅适用本次之情况。若我今后需要 _____ 提供口译帮助, 我将直接与
<insert Agency Name here>

其联系要求该服务。

工整书写姓名

签名

日期

OFFER OF FREE INTERPRETER SERVICES WAIVER FORM

I, _____, acknowledge that _____ has notified me of my right to a professional and trained interpreter as required by the D.C. Language Access Act of 2004 at no cost to me. By signing below I agree that I have refused this service and opted to rely on interpreter assistance by someone I have identified. I am aware that this individual was not identified by or vetted through _____ and that _____ is neither responsible for the provision of these services nor does not incur any liability that may result from these services. I am also aware that this waiver only applies to this one instance. If I require interpreter assistance from _____ in the future, I will notify the agency directly to request this service.

Print Name

Signature

Date

FORMULAIRE DE RENONCIATION DE SERVICE D'INTERPRETIARIAT GRATUIT

Je, _____, reconnais que _____ m'a avisé/e de mon droit
<insert Constituent's Name here> <insert Agency Name here>

à un interprète certifié et professionnel tel que prévu par le D.C. Language Access Act de 2004, et ce à aucun frais de ma part. En apposant ma signature ci-dessous, je conviens d'avoir refusé ce service et d'avoir opté de m'appuyer sur l'assistance linguistique fournie par quelqu'un que j'ai identifié. Je suis conscient/e que cet individu n'a pas été identifié ou examiné par _____ et que _____ n'est ni
<insert Agency Name here> <insert Agency Name here>

responsable pour la prestation de ce service ni n'encourt aucune responsabilité légale qui puisse découler de ces services. Je suis également conscient/e que cette renonciation s'applique uniquement au cas présent. Si j'ai besoin d'une assistance linguistique de la part de _____ à l'avenir, j'aviserai l'agence directement pour faire la
<insert Agency Name here>

demande pour ce service.

Nom en lettres d'imprimerie

Signature

Date

OFFER OF FREE INTERPRETER SERVICES WAIVER FORM

I, _____, acknowledge that _____ has notified me of my right to a professional and trained interpreter as required by the D.C. Language Access Act of 2004 at no cost to me. By signing below I agree that I have refused this service and opted to rely on interpreter assistance by someone I have identified. I am aware that this individual was not identified by or vetted through _____ and that _____ is neither responsible for the provision of these services nor does not incur any liability that may result from these services. I am also aware that this waiver only applies to this one instance. If I require interpreter assistance from _____ in the future, I will notify the agency directly to request this service.

Name

Signature

Date

무료 통역 서비스 기권 증서

본인, _____는 _____에서 2004년 D.C. 언어 접근
<insert Constituent's Name here> <insert Agency Name here>
법령에 따라 교육을 받은 전문 통역 서비스를 무료로 제공한다는 사실을
통보받았습니다. 본 서류에 서명을 함에 따라 무료 통역 서비스를 거부하며
본인이 확인한 개인의 도움을 받기로 결정했음에 동의합니다. 본인은 이
개인이 _____에 의해 확인되지 않았으며 심사받지 않았음을
<insert Agency Name here>
알고있으며 _____은 본 서비스 조항이나 본 서비스를 받음으로써 일어날
<insert Agency Name here>
수 있는 결과에 책임을 지지 않음을 알고 있습니다. 본인은 본 기권 증서는 이번
사례에만 적용됨을 알고 있습니다. 차후 _____의 통역 서비스가 필요한
<insert Agency Name here>
경우 해당 에이전시에 통고할 것입니다.

활자체로 이름쓰기

서명

날짜

OFFER OF FREE INTERPRETER SERVICES WAIVER FORM

I, _____, acknowledge that _____ has notified me of my
right to a professional and trained interpreter as required by the D.C. Language Access
Act of 2004 at no cost to me. By signing below I agree that I have refused this service
and opted to rely on interpreter assistance by someone I have identified. I am aware that
this individual was not identified by or vetted through _____ and that
_____ is neither responsible for the provision of these services nor does not
incur any liability that may result from these services. I am also aware that this waiver
only applies to this one instance. If I require interpreter assistance from _____
in the future, I will notify the agency directly to request this service.

Print Name

Signature

Date

FORMULARIO DE RENUNCIA AL OFRECIMIENTO DE SERVICIOS DE INTERPRETACIÓN

Yo, _____, reconozco que _____ me ha notificado acerca de mi
<insert Constituent's Name here> <insert Agency Name here>

derecho a recibir el servicio de un intérprete profesional y especializado, tal como lo exige la Ley de Acceso Lingüístico del D.C. de 2004, sin cargo para mí. Mi firma al pie de este documento significa que reconozco que he rechazado este servicio y que elijo confiar en la interpretación de alguien que yo he identificado. Soy consciente de que esta persona no ha sido identificada ni examinada por _____ y que _____ no es
<insert Agency Name here> <insert Agency Name here>

responsable de la prestación de estos servicios y que tampoco asume responsabilidad alguna que pudiera derivar de estos servicios. También estoy informado de que esta renuncia únicamente se refiere a este solo caso. Si yo necesitara asistencia de interpretación de parte de _____ en el futuro, notificaré a la agencia directamente para solicitarlo.
<insert Agency Name here>

Nombre en letras de imprenta

Firma

Fecha

OFFER OF FREE INTERPRETER SERVICES WAIVER FORM

I, _____, acknowledge that _____ has notified me of my right to a professional and trained interpreter as required by the D.C. Language Access Act of 2004 at no cost to me. By signing below I agree that I have refused this service and opted to rely on interpreter assistance by someone I have identified. I am aware that this individual was not identified by or vetted through _____ and that _____ is neither responsible for the provision of these services nor does not incur any liability that may result from these services. I am also aware that this waiver only applies to this one instance. If I require interpreter assistance from _____ in the future, I will notify the agency directly to request this service.

Print Name

Signature

Date

GIẤY KHƯỐC TỪ CUNG CẤP DỊCH VỤ THÔNG DỊCH MIỄN PHÍ

Tôi, _____, xác nhận rằng _____ đã thông báo cho tôi rằng
<insert Constituent's Name here> <insert Agency Name here>

theo Đạo Luật Thông Tin Đa Ngôn Ngữ của D.C năm 2004 (D.C. Language Access Act of 2004), tôi được quyền sử dụng một thông dịch viên miễn phí chuyên nghiệp và đã qua đào tạo. Bằng việc ký tên dưới đây, tôi xác nhận rằng tôi đã khước từ dịch vụ này và chọn sử dụng một thông dịch viên khác mà tôi đã tìm được để giúp đỡ tôi. Tôi biết rằng người này chưa được _____ biết đến hoặc kiểm tra và rằng

<insert Agency Name here>
_____ không chịu trách nhiệm về việc cung cấp các dịch vụ này và cũng
<insert Agency Name here>

không gánh chịu bất kỳ trách nhiệm pháp lý nào có thể nảy sinh từ các dịch vụ này. Tôi cũng hiểu rằng việc khước từ này chỉ áp dụng cho duy nhất một trường hợp này mà thôi. Nếu tôi cần thông dịch viên của _____ giúp đỡ sau này, tôi sẽ thông báo trực
<insert Agency Name here>

tiếp cho cơ quan này để yêu cầu cung cấp dịch vụ này.

Tên In

Ký Tên

Ngày

OFFER OF FREE INTERPRETER SERVICES WAIVER FORM

I, _____, acknowledge that _____ has notified me of my right to a professional and trained interpreter as required by the D.C. Language Access Act of 2004 at no cost to me. By signing below I agree that I have refused this service and opted to rely on interpreter assistance by someone I have identified. I am aware that this individual was not identified by or vetted through _____ and that _____ is neither responsible for the provision of these services nor does not incur any liability that may result from these services. I am also aware that this waiver only applies to this one instance. If I require interpreter assistance from _____ in the future, I will notify the agency directly to request this service.

Print Name

Signature

Date

D.C. Office of Human Rights
Language Access Program
§ 1205.18 of Chapter 12, IV DCMR

Vietnamese

GO-SPT-304.18 (Language Access Program)
Attachment C
Offer of Free Interpreter Services Waiver Form
October 6, 2015

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 Branch.
 - 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 Branch. 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 Branch.
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 Branch:

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 Branch:

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.