



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

CERTIFIED-RETURN RECEIPT REQUESTED

Washington, D.C. 20531

May 13, 2014

Chief of Police Kimberly K. Jacobs
Columbus Division of Police
120 Marconi Blvd.
Columbus, OH 43215

Re: Compliance Review of the Columbus Division of Police
Docket No. 12-OCR-0275

Dear Chief Jacobs:

I am writing to report the findings of the compliance review of language services at the Columbus Division of Police (CPD), conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice (DOJ). The OCR would like to thank CPD staff, especially Lieutenant Aimee A. Haley and Lieutenant Alex Behnen, for assisting OCR attorney Shelley Langguth during her September 26-27, 2012, onsite visit.

In my letter of July 9, 2012, I informed you that the OCR had selected the CPD for a compliance review under Title VI of the Civil Rights Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) and their implementing regulations. As I noted at that time, the OCR limited the scope of the compliance review to the CPD's provision of services to people with limited English proficiency (LEP). An LEP person is an individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English.

In June of 2002, the DOJ published guidance for its financial aid recipients on taking reasonable steps to provide meaningful access to programs and activities for LEP persons in accordance with Title VI and the Safe Streets Act. *See* Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (2002) [hereinafter DOJ Guidance]. Using the technical assistance standards in the DOJ Guidance, the OCR initiated this compliance review to determine the extent to which the CPD is providing language services to LEP persons.

After a thorough evaluation of the CPD's services and activities, including the CPD's responses to the OCR's data request and the information the OCR gathered during its review, which included interviews with department officials, command staff, patrol officers, and representatives of community organizations serving LEP populations, the OCR sent the CPD a draft Compliance Review Report on March 13, 2014, in accordance with 28 C.F.R. §§ 42.107(d)(2) and .206(e). In response to the draft Compliance Review Report, the CPD sent the OCR a letter dated May 6,

2014, providing some clarification regarding the CPD's complaint procedures, hiring of officers, and payment for foreign language classes. In accordance with the CPD's factual corrections, the OCR slightly revised our discussion of these issues on pages 8, 9, 11, 13, and 15 of this Compliance Review Report.

In regard to the limited scope of our review, we conclude that the CPD is taking steps to provide reasonable access to its programs and activities to LEP persons. However, the CPD should build on these steps and take further action consistent with the recommendations contained herein to ensure that it is meeting its obligations under Title VI and the Safe Streets Act.

Compliance Review Report

This Compliance Review Report closely tracks the DOJ Guidance: first assessing the CPD's obligation to provide LEP services and then reviewing the elements that the CPD would include in a more effective plan for offering language assistance to LEP persons.

I. Assessing the Obligation to Provide LEP Services

According to the DOJ Guidance, a recipient's obligation to take reasonable steps to ensure meaningful access to its programs and activities for LEP persons requires an assessment that balances four factors: (1) the number or proportion of LEP persons that are the likely beneficiaries of a recipient's services; (2) the frequency with which LEP persons come into contact with the recipient's programs or activities; (3) the nature and importance of the program, activity, or service provided; and (4) the resources available to the recipient and the related costs. 67 Fed. Reg. 41459-61. In considering the application of these four factors to the CPD, the OCR offers the following observations and recommendations.

A. The Number or Proportion of LEP Individuals in the Service Population

The CPD provides law enforcement services throughout the City of Columbus. The CPD divides its service jurisdiction into twenty precincts, which comprise five zones that are serviced by two patrol subdivisions – the Patrol North Subdivision (services Zones 1 and 4) and the Patrol South Subdivision (services Zones 2, 3, and 5). The patrol officers from the Patrol North Subdivision and the Patrol South Subdivision work out of sixteen different reporting locations; during the onsite visit, CPD command staff explained that these reporting locations are generally not staffed to provide services to the public, although the reporting locations within Precincts 5 and 12 contain a walk-up window that is staffed by an officer if one is available. The CPD provides services to the public at its Headquarters building, such as the opportunity to file a report, obtain records, undergo fingerprinting, or ask general questions.

Based on recent data from the U.S Census Bureau, in 2012, the City of Columbus had an estimated population of 747,126 residents age five and older; of this group, 637,148 spoke

English only, and 109,978 (15%) spoke a language other than English. U.S. Census Bureau, American FactFinder, 2012 American Community Survey 1-Year Estimates, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Columbus city, Ohio at <http://factfinder.census.gov>. Of the 747,126 residents age five and older, 29,829 (4%) spoke Spanish, with 14,637 speaking English less than "very well," which the OCR considers LEP. *Id.* This data further indicates that 24,614 spoke African languages, with 9,442 speaking English less than "very well;" 9,566 spoke Chinese, with 5,593 speaking English less than "very well;" 6,530 spoke Arabic, with 3,180 speaking English less than "very well;" 6,180 spoke French, with 2,297 speaking English less than "very well;" 2,975 spoke Hindi, with 271 speaking English less than "very well;" 2,733 spoke French Creole, with 710 speaking English less than "very well;" 2,355 spoke Vietnamese, with 796 speaking English less than "very well;" 2,249 spoke Korean, with 376 speaking English less than "very well;" and 1,797 spoke Tagalog, with 243 speaking English less than "very well." *Id.*

During the OCR's onsite interviews, CPD command staff and officers told the OCR that the most prevalent foreign languages that they encounter are Spanish and Somali. In the CPD's August 30, 2012, Response to the OCR's Data Request (Data Response), the CPD provided data taken from the 2010 Census on the number of individuals within each precinct who spoke selected foreign languages. This data indicates that the largest number of Spanish-speaking individuals reside in Precinct 10 (4,170 individuals), Precinct 15 (1,972), Precinct 1 (1,672), Precinct 17 (1,611) and Precinct 18 (1,608); Precincts 10 and 15 are in Zone 3, and Precincts 1, 17, and 18 are in Zone 1. The data also indicates that the largest number of individuals who speak African languages reside in Precinct 6 (2,504) and Precinct 14 (1,059); Precinct 6 is in Zone 1, and Precinct 14 is in Zone 2. Also of note, Precinct 3, which is in Zone 4, has a large number of Chinese-speaking individuals (1,173), and Precinct 17 has a large number of Japanese-speaking individuals (891).

Recommendation

The CPD should review the latest data from the U.S. Census Bureau to determine more accurately the language assistance needs of its service population. In addition to U.S. Census Bureau data, many law enforcement agencies have found helpful the data collected by local school districts on the languages spoken by enrolled students in a given area. This data provides information on the foreign language groups in a particular area and their relative size. The CPD also should track its LEP population to monitor population shifts.

B. Frequency of Contacts with LEP Persons

To respond to telephone calls from LEP persons, the CPD's Communications Bureau primarily relies on Language Line Services, a private vendor that provides telephonic interpretation in over 150 languages. During the OCR's onsite visit, CPD command staff and employees said that CPD officers and civilian employees also have the option of utilizing Language Line from the

field or CPD facilities, either by calling the Communications Bureau and having them connect the employee to Language Line or by calling Language Line directly.

Based on monthly invoices that it receives from Language Line, the CPD provided the OCR with a summary of the services that Language Line provided to the CPD from January 1, 2010 through June 30, 2012. This summary demonstrates that the CPD contacted Language Line on 3,243 occasions during this timeframe.¹ Of these calls, 2,730 (84%) involved interpretation in Spanish, and 301 (9%) involved interpretation in Somali. The remaining calls involved interpretation in a variety of languages including Arabic, French, Portuguese, Mandarin, Amharic, Tigrinya, and Russian. The CPD also provided the OCR with copies of invoices from a community member and a community based organization that provided interpretation for the CPD in Spanish in February 2011 and April 2012, respectively. Aside from the data obtained from invoices from Language Line and other external interpreters, the CPD does not otherwise collect information on contacts with LEP individuals. In its Data Response, the CPD said that it was currently researching ways to collect this information and generate reports from its dispatching system, Intergraph.

While the Language Line reports provide some helpful information, this data understates the CPD's frequency of contact with LEP individuals. The data only captures the situations when the CPD's Communications Bureau contacted Language Line to communicate with an LEP individual; it does not capture field encounters, walk-ins, and interviews and interrogations where another type of language assistance was utilized, or where an officer or civilian employee contacted Language Line directly. While the majority of the officers with whom the OCR spoke said that they note on an incident report when an individual is LEP and required an interpreter, the CPD does not track this information. Additionally, while pursuant to CPD Directive 3.64, *Sign/Foreign Language Interpreters*, officers should complete a Sign/Foreign Language Interpreter Use Report (form A-31.104) when they use an external interpreter and forward the form to the CPD's Fiscal Operations Unit, none of the officers with whom the OCR spoke who have used an external interpreter mentioned doing so.

Recommendation

The CPD should establish reliable systems for gathering information on contacts with its LEP service population. As discussed in footnote one of this Compliance Review Report, the summary of Language Line usage that the CPD provided to the OCR only includes calls that originated from the Communications Bureau. If the CPD does not also receive and maintain invoices from Language Line tracking the calls that did not originate from the Communications

¹ During the OCR's onsite visit, CPD command staff indicated that the summary of calls to Language Line contained in the CPD's Data Response only includes calls that were placed by the Communications Bureau. The command staff noted that officers or civilian employees in the field or at CPD facilities may contact Language Line directly or via the Communications Bureau, and that any calls to Language Line not made through the Communications Bureau are not included in this summary.

Bureau, it should do so. According to Communications Bureau command staff, at the time of the OCR's onsite visit, the Communications Bureau did not employ any bilingual call takers who can communicate with LEP callers; however, should the Communications Bureau employ qualified bilingual call takers in the future, it should establish procedures for recording and gathering data on all emergency and non-emergency calls from LEP persons where a bilingual call taker assisted, including information on the nature of the call, the language requested, and the length of time a bilingual call taker spent with the LEP caller. The CPD should also develop procedures for recording and gathering data on all face-to-face contacts with LEP persons, such as by modifying its existing reporting forms to ensure that all forms contain a separate field where officers can note if an individual is LEP, the language spoken, and how the CPD provided language assistance. The CPD should then tabulate all of the data on an annual basis to determine the language needs of its LEP service population.

C. Important Public Services to LEP Individuals

1. Emergency and Non-Emergency Calls

The CPD's Communications Bureau receives all incoming 911 calls for police, fire, and emergency medical services within the City of Columbus, along with all non-emergency calls for CPD services. As of the time of the OCR's onsite visit, the Communications Bureau employed approximately 71 individuals who serve as both call takers and dispatchers, and did not employ any bilingual individuals to communicate with LEP callers or provide interpretation.

The CPD's Data Response included a copy of Section 13-3 of the Communication Bureau's Standing Operating Procedures, which provides the phone number and agency code for contacting Language Line and instructions for communicating with the Language Line interpreter and the LEP caller. During the OCR's onsite visit, Communications Bureau command staff said that when a call taker receives a call from a LEP caller, the call taker attempts to determine the language that is being spoken and then contacts Language Line, and that call takers can press a single button to be immediately connected to Language Line. A call taker with whom the OCR spoke said that he also may inquire whether there is someone nearby who can speak English. The call taker said that he notes that a caller is LEP in the report that is forwarded to a dispatcher, and the dispatcher will attempt to dispatch a bilingual officer.

2. Field Encounters and Walk-Ins

In the CPD's Data Response, it provided the OCR with a copy of CPD Directive 3.64, entitled *Sign/Foreign Language Interpreters* (revised June 30, 2009), which addresses the provision of interpreter services for both "non-English speaking" and deaf or hard of hearing individuals. According to Directive 3.64, sworn personnel encountering "non-English speaking" individuals shall make all reasonable attempts to provide police services as needed. The Directive states that when there is a need for an interpreter, sworn personnel shall attempt to determine the language

spoken, using the CPD *Interpreter Guide* as appropriate, and shall contact the Communications Bureau to request an on-duty CPD qualified interpreter. The Directive notes that the Communications Bureau maintains a list of interpreters, and defines a "qualified interpreter" as an individual who is able to effectively communicate with a non-English speaking individual and with CPD personnel. If an on-duty qualified interpreter is not available, Directive 3.64 instructs personnel to request permission from a sworn supervisor to have the Communications Bureau obtain an interpreter from an external agency. When personnel use an interpreter from an outside agency, Directive 3.64 indicates that personnel should complete a Sign/Foreign Language Interpreter Use Report, form A-31.104, and forward it to the Fiscal Operations Unit. The CPD also provided the OCR with the CPD's *Interpreter Guide*, which lists the statements, "Please wait. We are calling an interpreter to help you" in forty-three different languages. During the OCR's onsite visit, CPD command staff told the OCR that the CPD has provided Directive 3.64 and the *Interpreter Guide* to all CPD employees, and that officers are required to maintain a copy of the *Interpreter Guide* in their police vehicles.

During the OCR's onsite interviews, the officers with whom the OCR spoke said that if they encounter an LEP person in the field, they obtain language assistance from a bilingual CPD officer, Language Line, or a friend or family member of the LEP individual. Additionally, one officer indicated that he once used a bilingual employee from Ohio State University to provide interpretation in Urdu. The officers told the OCR that if they are aware of a particular CPD officer who speaks the needed language, they contact that officer directly either over the radio or on the telephone; otherwise, the officers utilize the radio to request assistance from any officer who speaks the needed language or to request that the Communications Bureau locate an appropriate bilingual CPD employee or interpreter from an outside organization. During the OCR's interviews with the Communications Bureau employees, they told the OCR that the Communications Bureau maintains a list of bilingual CPD employees, along with bilingual employees from other law enforcement agencies and external organizations. The officers who told the OCR that they have utilized Language Line for interpretation said that they contacted Language Line via the Communications Bureau or by obtaining the appropriate phone number and agency code from the Communications Bureau or their supervisor and calling directly. The majority of the officers with whom the OCR spoke said that when they do encounter an LEP individual, the officer will note in the incident report that the individual is LEP and who provided interpretation.

Regarding the use of family members, friends, or bystanders to interpret, according to the CPD's Data Response, patrol officers may rely upon such individuals during exigent circumstances where immediate action is necessary or during an initial investigation when the officer is trying to ascertain what occurred and stabilize the situation. Additionally, the CPD listed some other situations where officers may rely upon friends or family members for interpretation, including, but not limited to, traffic crashes, burglary reports, disturbances, intoxicated persons, fights, assaults, high-risk missing persons, weapons calls for service, robbery, stranded motorists, or suicide attempts. The officers with whom the OCR spoke confirmed using family members,

including children, or friends or bystanders to interpret, but identified several situations where they would not use a friend, family member, or bystander to interpret, including situations involving a serious crime or if the friend, family member, or bystander was a suspect in the matter.

According to officers who staff the Information Desk at CPD Headquarters, if an LEP individual walks into Headquarters and requires assistance, the CPD will communicate with that individual by relying upon a friend or family member of the LEP individual, contacting Language Line, or using a bilingual officer.

3. Interviews and Interrogations

According to Directive 3.64, sworn personnel conducting a criminal or critical witness interview of a non-English speaking individual shall use either a CPD qualified interpreter or qualified interpreter from an outside agency, and should not use any individual as an interpreter who has a conflict of interest with the investigation. During the OCR's onsite visit, command staff within the Investigative Subdivision, which includes the Crimes Against Persons Bureau, the Property Crimes Bureau, and the Special Victims Bureau, said that each bureau has only encountered LEP individuals who spoke Spanish and that detectives from these bureaus used bilingual officers to communicate. At the time of the OCR's onsite visit, the command staff did not believe that any employees within the Investigative Subdivision were bilingual. The command staff said that detectives may use friends, family members, or other third-parties for interpretation for basic information, but not if the LEP individual is a suspect or a witness in a criminal case. The OCR also spoke with a commanding officer with the Sexual Assault Section of the Special Victims Bureau, which is located at Nationwide Children's Hospital Center for Family Safety and Healing, and the officer said that in addition to using bilingual officers the Sexual Assault Section has used professional interpreters located at the hospital to provide interpretation.

During the onsite visit the OCR also interviewed command staff within the Homeland Security Subdivision, which includes the Narcotics Bureau, the Special Services Bureau, and the Traffic Bureau. The command staff said that there are several employees with the Homeland Security Subdivision that speak Spanish and Farsi. Command staff reported using bilingual officers to communicate with LEP witnesses or suspects, and staff with the Homeland Security Unit, Special Services Bureau indicated that the unit has relied upon the Federal Bureau of Investigation to interpret. Additionally, command staff with the Traffic Bureau indicated that the Bureau's Freeway Patrol Unit utilizes hand-held Voice Response Translators to obtain information from and conduct field sobriety tests of LEP individuals suspected of driving under the influence; these devices are programmed to recognize up to eight different users, and interpret certain common phrases spoken by a recognized user or selected from the device into thirteen different languages. According to the CPD's data response, the Voice Response Translators enable officers to get a suspect's name, address, and date of birth and ensure that a LEP individual understands the instructions that the officer provides.

As will be discussed in Section I.C.7.b of this Compliance Review Report, the CPD has a number of forms that are utilized during interviews and interrogations available in Spanish, including a Miranda Rights advisory form.

4. Arrests and Detention

According to the CPD command staff and officers with whom the OCR spoke, when arresting an LEP individual, officers obtain language assistance services from a bilingual CPD employee, an interpreter from an external agency, or from Language Line. All booking and detention services are provided by the Franklin County Sheriff's Office.

5. Complaints

CPD Directive 3.64 does not specifically address how to communicate with LEP individuals during the investigation of complaints of misconduct of CPD employees. The CPD provided the OCR with CPD Directive 3.10, *Complaints*; CPD Supervisor's Manual 6.0, *Administrative Investigations*; the CPD's *Citizen Complaint Brochure*; the CPD's Internal Affairs Bureau's (IAB) Standing Operating Procedure Manual; and the IAB's written intake procedures and instructions, which set forth the guidelines for processing complaints against the CPD. These documents do not address the processing of complaints from LEP individuals.

Based on the above-referenced documents and the information gathered during the OCR's onsite visit, the OCR understands that members of the public can complain of alleged police misconduct in person, over the telephone by calling a dedicated complaint line that is staffed twenty-four hours a day, or in writing via mail, fax, or email. CPD personnel forward all complaints to the IAB, which is responsible for conducting an investigation and recommending a disposition; the involved employee's chain of command then reviews the investigation and the IAB's recommendation and the employee's deputy chief makes the final decision. The IAB then sends the complainant a letter notifying him or her of the disposition, and the complainant may appeal the disposition to the deputy chief.

During the OCR's onsite visit, IAB command staff provided the OCR with a complaint form that an IAB investigator completes to document the allegations and which a complainant may sign, although a signature is not required for the IAB to proceed with an investigation. This complaint form, along with the *Citizen's Complaint Brochure*, contain a section indicating that Section 2921.15(B) of the Ohio Revised Codes makes it a misdemeanor of the first degree to knowingly file a false complaint of misconduct against a peace officer. The *Citizen's Complaint Brochure* further states that this information is given not to keep people from filing complaints but to inform them of the law.² In its Data Response, the CPD provided the OCR with copies of the

² Please note that the International Association of Chiefs of Police (IACP) National Law Enforcement Policy Center advises law enforcement agencies that it is not a good general practice to inform complainants of the penalties for filing a false complaint, as it creates a chilling effect on the filing of complaints and could be perceived as an attempt

Citizen's Complaint Brochure translated into Spanish and Somali; the IAB command staff told the OCR that these brochures are available at the IAB, at CPD Headquarters, at every precinct station, and on the CPD's website. The command staff stated that during an investigation, the IAB sends letters to the complainant initially notifying the complainant of the IAB's investigation, providing a status update every forty-five days, and notifying the complainant of the disposition of the complaint. In the CPD's response to the draft Compliance Review Report, the CPD said that these letters are translated as necessary to communicate with LEP complainants.

The IAB command staff with whom the OCR spoke recalled receiving one complaint from an LEP individual who spoke Somali, and stated that the CPD hired an interpreter to communicate with the complainant. The command staff stated that a long time ago the IAB may have communicated with Spanish-speaking complainants, and that the CPD utilized an interpreter from outside the CPD. The command staff said that if the IAB received a complaint from an LEP individual, the IAB would contact the Communications Bureau to locate an interpreter. The command staff also provided the OCR with a document entitled "Interpreter Services" that is in the IAB's computer files and explains how personnel may contact Language Line to conduct an interview with an LEP individual. At the time of the OCR's onsite visit, the IAB did not employ any bilingual investigators or clerks.

According to the CPD's Data Response and information provided by the IAB command staff during the OCR's onsite visit, during the period of January 1, 2010 through September 26, 2012, the CPD did not receive any complaints from members of the public alleging ineffective communication with an LEP individual.

6. Community Outreach

In the CPD's Data Response, it indicated that it employs Community Liaison Officers (CLO) who, upon request, speak at Block-Watch groups, Community Civic Associations, and other groups and organizations regarding crime issues and concerns. The CPD command staff and CLOs with whom the OCR spoke stated that CLOs are employees of the CPD's Strategic Response Bureau and that the CPD assigns one CLO to each precinct. The CLOs said that they have attended meetings with community groups, faith-based organizations, schools, residents of apartment complexes, business owners, and other organizations to address crime and quality of life issues, including groups representing the Hispanic, Somali, and Nepali communities. The officers said that the community group will often provide an interpreter if needed, and that the CLOs have also communicated with LEP participants by using a bilingual CPD officer or, if the CPD is partnering with a city department, a bilingual employee from the other city department.

to intimidate potential complainants. Additionally, a law enforcement agency's failure to fully document all complaints from the public can create a perception that the agency is covering up some officer misconduct. See *Model Policy on Investigation of Employee Misconduct* and its accompanying Concepts and Issues Paper, published by the IACP National Law Enforcement Policy Center (revised October 2001).

The CLOs also said that they distribute crime prevention materials during these meetings, and that some of the materials have been translated into Spanish and Somali.

During the OCR's onsite visit, one of the commanding officers told the OCR that CPD officers, including Spanish-speaking officers, provide law enforcement services during the City of Columbus' annual Festival Latino each year. One of the CLOs with whom the OCR spoke also said that the CPD has partnered with the community-based organization Ethiopian Tewahedo Social Services to produce magnets containing information on when to call 911 and to conduct meetings with Ethiopian residents at apartment complexes to discuss crime and quality of life issues.

According to the CPD's Data Response, the CPD has partnered with the City of Columbus' Community Relations Commission (CRC) to produce an "ABCs of Policing" workshop designed to educate the community on how the CPD and the Columbus Fire Department function; this workshop was attended by several groups serving LEP communities including the Somali Women and Children's Alliance, the Isreali School, and the Language Coalition. The CPD provided the OCR with information on the CRC which indicates that the CRC is a municipal human rights commission established in 1990 to help bring civil leaders, business leaders, citizens and elected officials together on issues of ethnic, racial, and cultural diversity.

During the OCR's discussions with community representatives serving LEP populations, one representative expressed concern that at the time of the OCR's onsite visit, the CPD did not have any Somali officers on the force. The representative noted that several individuals from the Somali community have applied for positions with the CPD but were unsuccessful. The individual also said that he is aware of the CPD not providing interpreters to Somali individuals during an arrest, although he could not provide any specific information as to when this allegedly occurred. Another community representative recommended that the CPD conduct surveys of LEP individuals regarding the CPD's services. One representative noted that the CPD has spoken about the roles and responsibilities of the CPD during the "A Call to Action Youth Summit" presented by the Ethiopian Tewahedo Social Services and Asian American Community Services.

7. General Language Services

To provide the foregoing public services to its LEP population, the CPD offers both oral and written language assistance.

a. Oral Language Services

The CPD command staff, patrol officers, and civilian employees with whom the OCR spoke identified five primary ways in which the CPD provides oral language assistance to LEP individuals: (1) Language Line; (2) bilingual CPD employees; (3) bilingual employees from external organizations; (4) friends or family members of LEP individuals or third-party

bystanders; and (5) Voice Response Translators. As discussed previously in this Compliance Review Report, CPD Directive 3.64 instructs CPD employees to contact the Communications Bureau to request an on-duty qualified interpreter; a "qualified interpreter" is an individual who is able to effectively communicate with a "non-English speaking individual" and with CPD personnel. If an on-duty qualified interpreter is not available, Directive 3.64 instructs employees to obtain approval from a sworn supervisor to contact the Communications Bureau and request the services of an external interpreter.

As previously noted in this Compliance Review Report, the CPD uses the telephonic interpreter Language Line to respond to telephone calls from LEP persons, and CPD officers in the field also use this service during face-to-face encounters. CPD employees also rely upon bilingual CPD employees to communicate with LEP individuals, either by calling the bilingual employee directly, broadcasting a request over the radio, or contacting the Communications Bureau. With the exception discussed below, the CPD does not assess the language skills of bilingual employees; during the OCR's onsite review, CPD command staff stated that command staff periodically sends an email to CPD employees inquiring about any foreign language skills so that the CPD is aware of who is bilingual and may serve as an interpreter. According to CPD command staff, the Research and Development Unit maintains a database of CPD employees who have self-identified as having foreign language skills, and the Communications Bureau also maintains a list of such employees. In the CPD's Data Response, it provided the OCR with a list of employees who speak a foreign language, with self-professed skill levels designated as limited, moderate, conversational, proficient, or fluent. According to this list, as of the time of the CPD's Data Response, thirty-one employees spoke a foreign language; sixteen of these employees spoke Spanish (six fluent, seven proficient, one moderate, and two limited), four spoke Arabic (one fluent, two proficient, and one conversational), two spoke German (one moderate, one limited), two spoke Russian (proficient), two spoke Hindi (fluent), one spoke Bengali (fluent), one spoke Urdu (fluent), one spoke French (proficient), one spoke Japanese (proficient), and one spoke Romanian (proficient). The CPD stated that employees with language skills do not receive any additional compensation, although they may occasionally accrue overtime pay during the course of providing language assistance services.

According to the CPD's Data Response, the CPD does not provide special consideration to language skills during the hiring process. When making internal reassignments or transfers, the CPD does explicitly take language into account for two positions. The Homeland Security Subdivision, Terrorism Early Warning Unit contains an officer position for which fluency in a Middle Eastern language is a job requirement. The CPD said that the FBI assesses the language skills of an applicant for this position, and that the officer currently in this position speaks Arabic. Additionally, the Homeland Security Subdivision, Narcotics Bureau, contains an officer position for which fluency in Spanish is listed as an exceptional qualification; according to the CPD's Data Response, this exceptional qualification allows management to deviate from the established system of seniority and existing selection criteria and select an applicant who is fluent in Spanish. During the OCR's onsite visit, CPD staff said that it is evident that the officer

currently in this position is fluent in Spanish, as Spanish is the officer's first language. The CPD also said in its Data Response that the Chief of Police has the authority to permanently reassign an employee to ensure the needs and effective operation of the CPD, and that on at least one occasion the Chief has exercised this right to reassign a Spanish-speaking officer into a Vice Unit position. The CPD stated that it has also temporarily reassigned bilingual employees to a CPD unit to address an identified need, such as by reassigning officers to the Narcotics Bureau for short or long term investigations.

In regard to recruitment of bilingual employees, the CPD contains a Minority Recruiting Unit, which is responsible for advertising CPD vacancies and recruiting applicants from minority communities. According to information contained in the CPD's Data Response and gathered during the OCR's onsite interviews with staff from the Minority Recruiting Unit, each time the CPD advertises for an officer position it disseminates a media release to numerous community organizations, including several organizations serving LEP populations such as the Ohio Hispanic Coalition, the Hispanic Chamber of Commerce, Asian American Community Services, SomaliCAN, the Somali Community Association of Ohio, and the Federation of Indian Associations. The CPD provided the OCR with police officer position informational materials translated into Spanish and Somali, along with photographs of billboards it has erected indicating in Spanish and Somali that the CPD was hiring. Additionally, the CPD has advertised in Spanish-language publications *Fronteras* and *Latino News Columbus*. Staff from the Minority Recruiting Unit have distributed recruitment materials at various community locations serving the Somali, Hispanic, Asian, and African-American communities, such as the Somali Flea Market, the Hispanic Market, and churches, mosques, and shops serving these communities. Additionally, once a month between February and August, the Minority Recruiting Unit conducts Police Applicant Study Sessions with potential applicants to assist them with preparing for the civil service examination; in doing so, the Minority Recruiting Unit has reached out to LEP populations and has conducted specific sessions for Somali candidates.

According to the command staff and officers with whom the OCR spoke, employees have also relied upon bilingual employees from external organizations to provide interpretation, including professional interpreters located at Nationwide Children's Hospital, bilingual employees from the Federal Bureau of Investigation, a bilingual employee from Ohio State University, and bilingual employees from community based organizations. The CPD's Data Response also provided information on the Interpreters in Hostage Negotiations Course that the CPD conducted in April 2007 for interpreters who are interested in working with law enforcement in hostage negotiations, which was taught by CPD police hostage negotiators and by Isabel Framer, the Director of the National Association of Judiciary Interpreters and Translators. During the OCR's onsite visit, CPD command staff said that the CPD was just rolling out this volunteer interpreter program.

Regarding the use of family members, friends, and bystanders to interpret, as explained in Section I.C.2 of this Compliance Review Report, the CPD employees reported relying upon such

individuals for interpretation in minor situations, such as to obtain basic information or during a non-criminal matter. The employees identified several situations where they would not use a friend, family member, or bystander to interpret, such as if the situation involved a serious crime or if the friend, family member, or bystander was a suspect in the matter. Additionally, officers with the CPD's Traffic Bureau utilize hand-held Voice Response Translators to communicate with LEP individuals during field sobriety tests.

Based on the OCR's interviews with command staff and employees and the information contained in the CPD's Data Response, the OCR understands that the CPD disseminates Directive 3.64 and the *Interpreter Guide* to all employees. The CPD trains officers on the information contained in this Directive during field training, and employees of the Communications Bureau are required to complete a course offered by the Ohio Office of Criminal Justice Services on working with interpreters and survival Spanish for dispatchers. Also, several years ago, the City of Columbus offered several courses on Spanish for law enforcement personnel. In the CPD's response to the draft Compliance Review Report, the CPD said that it also maintains a tuition reimbursement program for approved college coursework, which includes coursework relating to developing language skills beneficial to the CPD.

b. Written Language Services

In its Data Response, the CPD indicated that it determines which written materials are made available in languages other than English based on its service population and the need to effectively communicate with them. The CPD's Data Response included copies of the following materials that have been translated into Spanish: investigative photo array procedures; a consent to search without a warrant form; a consent to search without a warrant-buccal swabs form; a constitutional/Miranda rights form; a seizure/forfeiture notice and receipt form; information on how to file a citizen complaint; an alcohol/drug influence report; a request to establish a confidential informant; a document discussing the consequences of the Operating a Vehicle Under the Influence test and refusal; a document on truancy and curfew at a glance; crime prevention tips; a citizen contact card; and an introduction to identity theft pamphlet. The information on how to file a citizen complaint is also translated into Somali, and the CPD has produced magnets, in cooperation with Ethiopian Tewahedo Social Services, on when to call 911 that have been translated into Amharic, Arabic, Burmese, Burundi, French, Fulani, Kiswahili, Nepali, Oromo, Somali, and Tigrigna. According to the CPD's Data Response and the OCR's discussions with CLOs, the CLOs distribute these translated materials to LEP communities, and the materials are also available at the Information Desk at CPD Headquarters; during the OCR's onsite visit, the OCR observed the translated pamphlet on identity theft and the information on how to file a citizen complaint near the Information Desk.

During the OCR's onsite visit, one of the CLOs with whom the OCR spoke also provided the OCR with a booklet on identity theft translated into Spanish, a document on truancy and curfew translated into Somali, and a booklet for parents on drug use translated into Spanish; the CLO

said that he distributes these materials within the community. The Homeland Security Subdivision also provided the OCR with a reference card produced by the DOJ on recognizing and preventing gang involvement, available in Spanish and what appears to be two Asian languages, along with posters in various languages discussing how "If You See Something Suspicious, Say Something," which officers distribute to the community.

In its Data Response, the CPD stated that it uses ASIST Translation Services to translate CPD materials into foreign languages. None of the CPD's facilities contain any signage notifying the public that free language assistance services are available. The CPD's website, www.columbuspolice.org, contains a button on the Crime Stoppers section of its website that allows a user to translate the entire CPD website into 65 languages using Google Translate.

Recommendations for the CPD

The CPD is currently taking steps to communicate with the City of Columbus' LEP communities, particularly the Spanish-speaking population, such as by employing some Spanish-speaking officers and translating various forms and documents into Spanish. However, the CPD should build on these steps to provide even more effective language assistance to LEP individuals. The OCR commends the CPD for having in place a written language assistance policy, Directive 3.64. The CPD should carefully review Directive 3.64 and make any necessary additions and changes to ensure that it incorporates guidance from the DOJ along with any revisions in policy and procedures that the CPD implements as a result of the recommendations contained in this Compliance Review Report. Please see Section II of this Compliance Review Report for additional information regarding developing a comprehensive and effective language assistance plan.

Additionally, Directive 3.64 currently combines the provision of services to LEP individuals and to deaf or hard of hearing individuals. Please note that being deaf or hard of hearing is considered a disability and is not encompassed by the term "LEP," and is governed by different standards and laws. Accordingly, the OCR recommends that the CPD remove references to providing services to deaf or hard of hearing individuals from Directive 3.64 and address that issue in a separate policy.

To ensure the accuracy of interpretation services provided by bilingual employees, the CPD should implement an objective testing process for assessing the language skills of all of its bilingual employees. These tests should go beyond testing an employee's skill of communicating in a foreign language and should assess the particular skill of interpreting, which requires listening to something in one language and orally conveying its meaning into another language. A bilingual employee may have the skills to converse with another person in a foreign language but may not have skills to provide competent interpretation in that language, and therefore it is essential for law enforcement agencies to ensure that the bilingual employees providing language assistance are competent in the specific skill of interpretation. An objective testing process does

not need to involve a formal certification process. For example, the CPD could test employees' interpretation skills through oral review panels comprised of officers, language professors from local colleges or universities, and community group members who are competent to interpret. The CPD's Communications Bureau should continue to maintain a list of all employees and individuals from external agencies who are deemed qualified to provide interpretation, and should ensure that this list is constantly updated.

To increase the number of bilingual officers who are available to provide language assistance services for the CPD, the CPD should continue to take steps to specifically recruit bilingual officers, particularly those who speak Spanish and Somali. The CPD may wish to consider providing additional compensation to employees who demonstrate proficiency in a foreign language, and should continue to pay for employees to attend foreign language classes in languages that the CPD frequently encounters.

In regard to written materials, while the CPD has taken steps to make various documents and resources available in Spanish, it should take additional steps to ensure compliance with Title VI. The DOJ encourages recipients to satisfy the "safe harbor" provision in the DOJ Guidance when determining what documents to translate. *See* DOJ Guidance, 67 Fed. Reg. 41464. This provision states that recipients should translate "vital documents" for LEP groups that comprise five percent or 1,000, whichever is less, of the eligible service population. *Id.* Whether a document is "vital" depends on the "importance of the program, information, encounter, or service involved, and consequence to the LEP person if the information in question is not provided accurately or in a timely manner." *Id.* at 41463. Examples of documents that may be "vital" are consent and complaint forms; intake forms; written notices of rights; denial, loss, or decrease of benefits; notices of disciplinary actions; written tests for a license, skill, or job for which knowing English is not required; applications to participate in a program or activity; and applications to receive a benefit or service. *Id.*

In accordance with the DOJ Guidance, the CPD should perform an inventory of all of its written materials, identify the documents it considers "vital," and translate these documents into the languages that meet the safe harbor threshold. Based on recent data from the U.S. Census Bureau, it appears that the Spanish-speaking, Chinese-speaking, Arabic-speaking, and French-speaking LEP populations of the City of Columbus meet the 1,000 person safe harbor threshold, and specific African language-speaking LEP populations, particularly the Somali-speaking population, may meet this threshold as well. The CPD should review the latest Census data on an annual basis to determine whether other language groups meet the safe harbor threshold. The CPD should take steps to translate all of its vital documents into the languages that meet this threshold, such as any documents relating to a citizen's rights or the provision of consent. The CPD should continue to rely upon a qualified translator, such as ASIST, in translating its documents. The CPD should also post signs in the primary languages of its largest LEP populations in the lobbies of CPD Headquarters and other CPD facilities where the CPD

interacts with members of the public stating that on request, free language assistance services are available.

Once the CPD revises Directive 3.64 in accordance with the OCR's recommendations, it should immediately train all employees on the Directive to ensure that all employees are aware of the proper procedures for providing language assistance services. Following this initial training, the CPD should continue to train employees on annual basis on providing language assistance services to LEP individuals. As part of its training program, the CPD may wish to show the enclosed training DVD *Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice*. Other law enforcement agencies have found this DVD particularly helpful in training employees on how to provide services effectively to LEP populations. Additionally, please also find enclosed a CD-ROM, entitled *Espanol for Law Enforcement*, which is an interactive training tool that covers basic Spanish phrases and sentences relative to law enforcement. This CD-ROM may be duplicated; alternatively, additional copies may be requested from the DOJ by contacting the National Institute of Justice at (800) 851-3420 or by visiting the following website: <http://www.ojp.usdoj.gov/nij/pubs-sum/201801.htm>.

Regarding community outreach, the OCR commends the CPD for using CLOs to closely interact with the community. The CPD should continue to ensure that CLOs and Spanish-speaking officers take part in community activities and should actively seek out opportunities to collaborate with organizations serving LEP populations and to make presentations to LEP populations. To ensure that its outreach efforts are effective, the CPD should establish a mechanism for gathering community feedback on its provision of services to LEP individuals. For example, the CPD may want to develop a written survey of community groups serving LEP populations, or to convene a focus group of LEP individuals. The CPD may also consider holding separate meetings with each LEP community, perhaps in collaboration with community, business, and religious leaders representing the LEP population, so that the CPD can hear the LEP community's unique needs regarding outreach. The CPD should continue to work with ethnic media outlets to relay public safety information to the public, and should use these outlets to publicize community meetings and to inform LEP persons of the availability of free language assistance services and other important resources.

D. Available Resources

The CPD's fiscal year is from January 1 through December 31. According to the CPD's Data Response, the CPD budgeted a total of \$252,040,971.00 for operational expenses in fiscal year 2010, budgeted \$265,412,682.00 in fiscal year 2011, and budgeted \$273,004,192.00 in fiscal year 2012. In 2010, the CPD spent \$36,473.00 on language assistance services (this figure includes expenditures made in fiscal year 2009), and in 2011, the CPD spent \$19,626.00 on language assistance services. During the OCR's onsite visit, CPD command staff stated that these figures mostly represent funding spent on Language Line services, but also include payments made to

ASIST for translation services and on interpretation services for deaf or hard of hearing individuals. The CPD budgeted \$21,000.00 for language assistance services in 2012.

Recommendation

The CPD should undertake a review of its human and capital resources in assessing how well it is responding to the needs of its LEP populations. One part of this review should include gathering feedback from the local LEP service population on how the CPD can provide more effective language assistance services, as discussed above. The CPD should also work with community groups serving LEP populations to determine what additional steps it can take to attract more bilingual employees capable of interpreting and translating in a variety of foreign languages, particularly in Somali. To this end, the CPD should consider providing incentive pay or bonuses for CPD employees who provide interpretation. The CPD should utilize local community groups serving LEP populations to identify all of the community resources that are available to provide cost-effective and reliable language assistance services to the City's LEP populations.

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

According to DOJ Guidance, an effective plan for providing language assistance to LEP persons has five elements: (1) identifying LEP individuals who need language assistance; (2) providing information on effective language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the plan.

Recommendation

The CPD should expand upon Directive 3.64 and make any necessary revisions to ensure that it includes the five elements referenced above and addresses the concerns raised in this Compliance Review Report. In doing so, the CPD may wish to consult the DOJ Guidance, along with the following documents: (1) Planning Tool for Creating a Language Assistance Policy and Plan in a Law Enforcement agency; (2) Limited English Proficiency Resource Document: Tips and Tools from the Field; and (3) sample written language assistance plans developed by other law enforcement agencies and approved by the DOJ. These documents are available online at <http://www.lep.gov>, and should assist the CPD in making any necessary revisions to its existing LEP plan.

Conclusion

This letter serves as notice that OCR has made a preliminary determination that the CPD appears to be taking steps to provide meaningful access to its programs and activities to LEP persons. However, the CPD should build on these steps to ensure compliance with Title VI and the Safe Streets Act. On request, the OCR is available to provide technical assistance to the CPD in

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implementing the OCR's recommendations and revising its written language assistance plan. Upon receipt of this Compliance Review Report, we ask that a responsible CPD official contact Ms. Langguth at (202) 305-2353 or Shelley.Langguth2@usdoj.gov to develop a timeline and goals for implementing the recommendations contained in this Compliance Review Report.

Thank you for your cooperation and the cooperation of the CPD throughout the compliance review process. If you have any questions, please contact Ms. Langguth at (202) 305-2353.

Yours very truly,



Michael L. Alston
Director

Enclosures

cc: Lieutenant Aimee A. Haley
Columbus Division of Police