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CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Chief of Police Ronald Palmer
Tulsa Police Department
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Tulsa, OK 74103

Sheriff Stanley Glanz
Tulsa County Sheriff's Office
303 West First Street
Tulsa, OK 74103

Re: Compliance Review of the Tulsa Police Department and Tulsa County Sheriff's Office's Operation of the David L. Moss Criminal Justice Center (08-OCR-0035)

Dear Chief Palmer and Sheriff Glanz:

I am writing to report the findings of the compliance review of language services at the Tulsa Police Department (TPD), conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice (DOJ). Since the Tulsa County Sheriff's Office (TCSO) provides detention services for the TPD, OCR's compliance review also included language services at the David L. Moss Criminal Justice Center. OCR would like to thank TPD and TCSO staff, especially TPD Major Daryl Webster, TPD Major Eric Dagleish, TCSO UnderSheriff Brian Edwards, and TCSO Chief Deputy Tim Albin, for assisting OCR staff during their June 10-12, 2008, onsite visit.

In my letter of November 15, 2007, I wrote to inform then-Chief Dave Been that OCR had selected the TPD 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. On April 23, 2008, I wrote to Chief Deputy Albin to inform him that, as part of this review, OCR would evaluate the detention services provided by TCSO on behalf of the TPD. As I noted at that time, OCR limited the scope of the compliance review to TPD's and TCSO'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.

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In June of 2002, DOJ published guidance for its financial aid recipients about 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. 41,455 (June 18, 2002) (DOJ Guidance). Using the technical assistance standards in the DOJ Guidance, OCR initiated this compliance review to determine the extent to which the TPD and the TCSO are providing language services to LEP persons.

After a thorough evaluation of TPD's and TCSO's services and activities, including TPD's and TCSO's responses to OCR's data requests and the information OCR gathered during its onsite visit, which included interviews with department officials, command staff, sworn officers, and representatives from LEP communities, we are issuing the following report in accordance with 28 C.F.R. § 42.107(d)(2). In regard to the TPD, with respect to the limited scope of our review, we conclude that the TPD is taking steps to provide LEP persons with meaningful access to police services. However, the TPD should build on these steps and take further action to ensure that it meets its obligations under Title VI and the Safe Streets Act, beginning with developing a written language assistance plan for LEP persons. The following Compliance Review Report contains recommendations based on the DOJ Guidance that the TPD may find helpful in developing policies to improve its services to LEP individuals.

In regard to the TCSO, in accordance with the limited scope of our review, OCR also finds that the TCSO appears to be taking steps to provide LEP inmates and visitors with meaningful access to its detention services. However, the TCSO also needs to take further action to ensure that it complies with Title VI and the Safe Streets Act, including expanding its current written language assistance plan. On pages 11-16 of this Compliance Review Report, OCR discusses the language services that the TCSO currently provides within its detention facility and makes recommendations for how the TCSO can improve its services to LEP persons.

Compliance Review Report

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

I. Assessing TPD's 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,

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activity, or service provided; and (4) the resources available to the recipient and related costs. 67 Fed. Reg. at 41,459-61. In considering the application of these four factors to the TPD, OCR offers the following observations and recommendations.

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

In its data response, the TPD provided OCR with a map showing that it divides the City of Tulsa into three uniform divisions: Uniform Division North (UDN), Uniform Division East (UDE), and Uniform Division Southwest (UDSW). Based on recent data from the U.S. Census Bureau, in 2006, the City of Tulsa had an estimated population of 351,605 residents age five or older; of this group, 29,924 (8.5 percent) spoke Spanish, and more than half of this number (17,535) spoke English less than "very well," which OCR considers LEP. *Language Spoken At Home, 2006 American Community Survey*, U.S. Census Bureau, at <http://factfinder.census.gov/> (last visited Sept. 10, 2008). These data further reflect that 5,264 residents age five and older spoke other Indo-European languages, with 856 speaking English less than "very well;" 4,146 residents spoke Asian and Pacific Islander languages, with 1,537 speaking English less than "very well;" and 2,229 residents spoke other languages, with 484 speaking English less than "very well." *Id.* Based on information gathered during OCR's compliance review, OCR understands that Spanish and Vietnamese are the most prevalent foreign languages spoken by Tulsa residents.

The TPD also provided information gathered from the U.S. Census Bureau about the racial and ethnic demographics of each zip code within UDE, UDN, and UDSW in 2000. This information demonstrates that the following locations had large percentages of Hispanic residents: in UDE zip code 74146, 16.9 percent were Hispanic (of any race), 68.1 percent were White, and 12.3 percent were Black; in UDN zip code 74110, 16.1 percent of residents were Hispanic (of any race), 28.5 percent were White, and 28.5 percent were Black; within UDSW zip code 74104, 13.6 percent were Hispanic (of any race), 79.8 percent were White, and 8.9 percent were American Indian and Alaska Native.

Recommendations

The TPD should analyze the latest data from the U.S. Census Bureau to determine more accurately the language assistance needs of its service population within UDE, UDN, and UDSW. Many police departments also have found helpful the data collected by local school districts regarding the languages spoken by enrolled students in a given area. These data provide information about the foreign language groups in a particular area and their relative size. In addition, the TPD should periodically review LEP population shifts to determine whether it needs to revise certain aspects of its language assistance plan.

B. Frequency of Contacts with LEP Persons

To facilitate its contacts with LEP persons, the TPD uses Language Line, a private vendor that provides telephonic interpreter services. In its data response, the TPD explained that its 911 center monitors Language Line usage on a monthly basis to determine which languages are requested. During 2007, TPD's 911 center used Language Line 2,639 times. Of these calls, 99.6 percent involved a request for a Spanish interpreter. There were also requests for Vietnamese, Russian, German, French, and Mandarin language interpreter assistance.

Other than the data obtained from Language Line, the TPD does not have a standard process in place to collect information about contacts with LEP individuals. While Language Line reports provide some helpful information, they do not fully reflect the frequency of TPD's contact with LEP individuals. Instead, those reports only capture the situations where the TPD uses Language Line; it does not include information about field encounters and walk-ins where another type of language assistance is utilized, or the telephone calls with LEP persons when the TPD did not contact Language Line. For instance, during field encounters, several officers note in their incident reports when they provide language assistance services to witnesses or suspects; however, other officers do not document when they provide services to LEP persons.

Recommendations

The TPD should enhance its systems for gathering information about contacts with its LEP service population, which would allow it to assess more accurately the needs of Tulsa's LEP population. It should develop procedures for gathering and recording data about all face-to-face contacts with LEP persons, such as by modifying its existing reporting forms or by creating a new form. Regardless of how the TPD chooses to track information about its contacts with LEP persons, it should ensure that it includes information about the language spoken by the LEP person and TPD's response to the need for language assistance. The TPD should then tabulate all of the data on an annual basis to determine the evolving language needs of its LEP service population.

C. Important TPD Public Services to LEP Individuals

1. Emergency Calls

The City of Tulsa Public Safety Response Center (Center) manages all city emergency requests for assistance, including 911 requests for police assistance. The Center has operators, call takers, and dispatchers, none of whom is certified as bilingual. When an individual calls 911, the operator asks the caller whether he needs police, fire, or medical emergency assistance and then transfers the call to the appropriate dispatcher. When an LEP caller seeks emergency assistance, the operator transfers him to a call taker, who uses Language Line to evaluate the caller's request for assistance. The call taker also may note in the Center's computer database that the caller

needs interpreter assistance, although this practice does not appear to be applied uniformly by all call takers. The call database does not contain a specific field regarding whether a caller is LEP. Once the call taker determines that the individual seeks emergency police assistance, he transfers the caller and the Language Line interpreter to a police dispatcher.

After the call taker transfers the LEP caller to police dispatch, the dispatcher assesses which officers are available to respond to the request for assistance. Initially, the dispatcher solicits assistance from any available bilingual officers who are in the division where the caller is located. During OCR's site visit, the Center had information about whether certified bilingual officers were available; however, its list of certified bilingual officers was not accurate and appeared not to have been updated by the TPD. If the dispatcher cannot locate a certified bilingual officer, he will request assistance from other officers in the division who are deemed to have sufficient language skills to respond. If the dispatcher cannot locate a bilingual officer who is in close proximity to the caller, then the dispatcher will seek assistance from bilingual officers in another division, from bilingual civilians, or from monolingual officers in the field.

2. Field Encounters, Interviews, and Arrests

The TPD does not have a written language assistance plan that comprehensively addresses the provision of LEP services to individuals during field encounters, interviews, or arrests.¹ Given this lack of policy guidance, sworn officers do not use a consistent approach when communicating with LEP individuals during these interactions.

a. Field Encounters and Interviews

In its data response, the TPD noted that officers may use informal interpreters during the following situations if a qualified interpreter is not available: (1) during an emergency situation until the emergency or threat is resolved; (2) during a traffic stop when the informal interpreter is a passenger in the vehicle; (3) during the beginning of an investigation in response to a call for service; and (4) to explain the witness statement form, which the LEP individual completes in his language. However, sworn officers adopt methods of obtaining language assistance during field encounters that are not consistent with the TPD's stated guidelines. For instance, while some officers request bilingual assistance through dispatch, others seek assistance directly from an officer who may not be certified bilingual or attempt to use their own limited language skills to communicate with an LEP person. Officers also use family members, including children, and friends or bystanders as informal interpreters in situations beyond those detailed in TPD's data response, such as in responding to domestic violence complaints.

¹ In its data response, the TPD highlighted Procedure No. 31-131, Use of Interpreters When Communicating with Deaf or Hard of Hearing Persons; however, this procedure does not address language access needs of LEP individuals, which are different than those of individuals who are deaf or hard of hearing.

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In terms of interviews, officers similarly adopt approaches that are inconsistent with TPD's guidelines. In its data response, the TPD provided Tactical and Operational Guideline No. 2031, Interviews and Interrogations, which directs officers to contact Public Safety Communications (PSC) for an interpreter when interviewing or interrogating an LEP individual. If an interpreter is not available, PSC is instructed to contact Language Line. The TPD does not appear to provide sufficient training to sworn officers regarding this policy. During their onsite visit, and as discussed above in addressing field encounters generally, OCR staff members interviewed officers who did not adhere to this written operational guideline. In many instances, officers were unfamiliar with or had not used Language Line. Other than this guidance, the TPD does not have any written policies or procedures regarding the provision of language assistance to LEP persons during interviews.

In addition, the TPD does not have a policy or procedure for the preparation of written statements by LEP persons, which results in an inconsistent approach by officers. For instance, one officer explained that, under TPD protocol, a certified bilingual officer should interpret for the investigating officer, ask clarifying questions, and prepare the written statement. Another officer, however, noted that he prepares a statement in English, explains its contents to the LEP suspect, and requires the suspect to sign it, while a third officer stated that he may not prepare any written statement of an LEP person.

b. Arrests

The TPD explained in its data response that when officers arrest or Mirandize an LEP individual, they should utilize officers who are certified interpreters and, if no such officers are available, they should contact Language Line to facilitate communication. Here, too, officers did not consistently adhere to TPD's stated protocol. Some sworn officers informed OCR that they read the Spanish-language side of a Miranda card to an LEP arrestee while other officers noted that they seek the assistance of either certified or proficient bilingual interpreters.

When an officer transports an LEP arrestee to the Detective Division for interrogation, he notifies the receiving officer that the person needs language assistance and the Detective Division will provide interpreter assistance consistent with the provisions of Policy No. 2031, Interviews and Interrogations. When an officer transports an LEP arrestee to the TCSO's jail facility for detention, he notifies the booking officer that the person is LEP and it becomes the obligation of the TCSO to provide language assistance pursuant to its policies and procedures.

4. **Complaints**

The TPD provided OCR with Procedure No. 31-304A, Complaints Against Police Employees, which governs the processing of police complaints; however, the procedure does not address the receipt of complaints from LEP individuals. In its data response, TPD explained that individuals can file a complaint with the Office of Integrity and Compliance in person, by telephone, by

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mail, by fax, by e-mail, or online. An anonymous complaint can be submitted in oral or written form. The TPD also stated that it investigates all complaints. To accommodate LEP persons, the TPD provides a Spanish complaint form online and facilitates oral communication by using a certified bilingual officer or the complainant's family or other representative. In its data response, TPD also reported that during the period of January 1, 2006, to November 15, 2007, it did not receive any complaints alleging ineffective communication with an LEP individual.

5. Community Outreach

The TPD makes a concerted effort to engage in Hispanic community outreach and seeks to monitor those activities. Command staff and sworn officers periodically participate in Spanish radio programs, during which they field questions about law enforcement issues from callers. The officer who coordinates community activities also submits quarterly reports to the Chief of Police that summarize how personnel seek out and encourage input from citizens who live and work in the community. In interacting with the community, individual divisions facilitate communication and cooperation between themselves and Hispanic groups. When Hispanic associations notify the TPD of special cultural events, such as Cinco de Mayo, officers coordinate police activity during the events with leaders of those organizations. At the same time, the TPD recognizes that it can improve its outreach. In the community service quarterly reports OCR reviewed, divisions recommended that the TPD increase its recruiting efforts for Spanish-speaking officers, target colleges with a high number of students who can speak Spanish, and pursue out-of-town recruiting trips in an effort to contact Spanish-speaking students. While the TPD emphasized the various ways that it seeks to strengthen its ties to the Hispanic community, it did not highlight any efforts to reach out to members of the Vietnamese community.

During OCR's onsite review, it met with several community groups to discuss TPD's relationship with LEP members of the public. From the perspective of several participants, most of whom represent Spanish-speaking LEP persons, there is a significant lack of communication between the TPD and the community. Some participants noted that it is difficult to obtain oral assistance or written materials from the TPD in Spanish. Other representatives, however, explained that TPD officers assist LEP persons and that the TPD seeks to become more sensitive to the interests and culture of the Hispanic community. In an effort to improve community relationships, participants recommended that the TPD have a more open dialogue with community leaders, increase its visibility, such as through additional town hall meetings, and train more bilingual officers.

Recommendations

The TPD should establish a comprehensive, written plan on providing services to LEP persons in a variety of contexts, including emergency calls, field encounters, interviews, arrests, and complaint processing. In these protocols, the TPD should advise employees to obtain language

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assistance from qualified bilingual employees, Language Line, or other identified sources, and emphasize that employees should use family members, friends, or bystanders to interpret only in unforeseen, emergency situations while awaiting a qualified interpreter.

The TPD also should create a mechanism for gathering community feedback on its provision of services to LEP individuals. For example, the TPD may want to develop a written survey of community groups serving LEP populations, or to convene a focus group of LEP individuals. The TPD 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 TPD can hear the LEP community's unique needs regarding outreach. The TPD should continue to work with ethnic media markets 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

TPD's fiscal year is from July 1 to June 30. According to TPD's data response, its total operational budget in Fiscal Year 2008 was \$87,162,000. While there is no line item in the TPD budget for language assistance services in Fiscal Year 2008, a general budget category includes \$1,000 for those services. Along with Language Line, TPD bilingual employees serve as TPD's principal resource for communicating with LEP persons. As discussed in Section III.A. of this Compliance Review Report, the TPD provides certified bilingual employees with additional compensation for providing language assistance services.

Recommendations

The TPD 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 about how the TPD can provide more effective language assistance services. The TPD 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, particularly in Spanish and Vietnamese. The TPD may also utilize community groups to identify all of the community resources that are available to provide cost-effective and reliable language assistance services to Tulsa's LEP populations.

III. Providing Language Services

A. Oral Language Services

In addition to TPD's Language Line service, it has a language proficiency program that is recognized in its collective bargaining agreement (CBA) with the Fraternal Order of Police and

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explained in Departmental Order No. 2003-09, Second Language Incentive Proficiency Requirements. Under the terms of the program, employees who satisfactorily complete language testing and meet applicable recertification requirements are eligible to receive \$100 in monthly incentive pay. The CBA permits certification of up to 100 Spanish interpreters and up to 50 Vietnamese interpreters. In addition to TPD's formal proficiency program, it has encouraged officers to participate in a Spanish language immersion program. In supplementing the TPD's data response, the Office of the City Attorney provided a list of nineteen employees who received official certification as a Spanish language officer. Given the limited number of officers who are certified as bilingual, there are shifts during which no bilingual officers are available to respond to a call for assistance.

The TPD emphasizes its incentive pay program to potential recruits through its police officer applicant material. While the TPD made efforts to educate officers about the program, such as by sending a letter to individuals about the program, command staff members note that some officers remain unaware of the proficiency program. In addition, despite the availability of incentive pay, several officers who had Spanish language skills are reluctant to participate in the program because they do not want to be obligated to provide interpreter services; rather, they want the flexibility to offer bilingual assistance as appropriate given their other assignments. Further, one sworn officer interviewed by OCR wants to take the certification test but has had difficulty receiving a response from the test administrator.

Recommendations

The TPD clearly recognizes the need to communicate with Tulsa's large Spanish-speaking population and has taken active steps to serve these communities by certifying Spanish-speaking officers as bilingual. However, the TPD should provide even more effective language assistance to LEP individuals. To provide more effective services to Tulsa's Spanish- and Vietnamese-speaking populations, the TPD should increase its efforts to recruit Spanish- and Vietnamese-speaking employees and to ensure that bilingual officers are available on all shifts.

During OCR's onsite visit, several officers also noted that it would be helpful to receive basic Spanish language skills training and to receive written Spanish translations of basic law enforcement words and phrases. To assist with TPD's oral language skills training, OCR has included with this Report a CD-ROM entitled *Español for Law Enforcement*, which is an interactive training tool that covers basic Spanish phrases and sentences relative to law enforcement, and which the TPD may find useful in supplementing its existing training program. This CD-ROM may be duplicated; alternatively, additional copies may be requested from DOJ by contacting the National Institute of Justice at 800.851.3420 or by visiting the following Web site: <http://www.ojp.usdoj.gov/nij/pubs-sum/201801.htm>.

The TPD also should ensure that it maintains an accurate master list of all certified bilingual officers. This list should include the contact information for each employee, what language the

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employee speaks, and whether the employee has the ability to interpret or translate. The TPD should periodically update and distribute the list to all TPD employees and the Public Safety Response Center.

B. Written Language Services

In its data response, the TPD states that it translates certain documents into languages other than English when there is a recognized need from the community and as directed by the Chief of Police. It utilizes the services of a professional translating company to translate these documents and orders specific translated materials in response to public demand. While the TPD does not have a formal process for notifying the public regarding the availability of translated materials, the TPD notes that officers distribute translated documents on calls for service, at public meetings, and through community involvement programs, and that it makes translated forms available on its Web site. However, TPD's Web site, <http://www.tulsapolice.org>, is in English. TPD's data response identifies nineteen written materials that are translated into Spanish and includes translated versions of, among other documents, its Citizen Crime Report, Juvenile Release/Waiver, Notification of Rights, and Search Waiver, which are available on TPD's intranet and laptops in individual police vehicles. In addition, sworn officers have Miranda Warnings translated into Spanish.

Overall, the TPD has little signage regarding the availability of LEP services. In its data response, TPD provided photos demonstrating that various signs for city departments, such as the police department, are translated in Spanish. However, the TPD generally does not post signage translated into Spanish at its uniform division stations. Also, there are no signs at headquarters or at any of the uniform divisions informing LEP persons that certain services are available free of charge.

Recommendations

The TPD already has translated numerous documents into Spanish; however, it may need to take further action to ensure compliance with Title VI and the Safe Streets Act. DOJ encourages recipients to satisfy the "safe harbor" provision in its Guidance Document when determining which documents to translate. See DOJ Guidance, 67 Fed. Reg. at 41,464. 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 41,463. Examples of documents that may be "vital" are documents relating to a citizen's rights or the provision of consent and correspondence with complainants. In accordance with the DOJ Guidance, the TPD should perform an inventory of all of its written materials, identify the documents it considers "vital," and, to the extent it has not already done so, translate these documents into the languages that meet the safe harbor threshold.

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The TPD also should make translated materials available at TPD facilities and should actively encourage officers and other employees to distribute translated documents in the field and at community meetings. Further, the TPD should post a sign(s) in the primary languages of the largest LEP populations in the lobbies of its police stations and other places of public contact stating that, on request, free language assistance services are available. Additionally, the TPD should take steps to ensure that important information available in English on its Web site is also available in Spanish.

IV. Developing an Effective TPD Plan on Language Assistance for LEP Persons

According to the 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 about effective language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the plan.

Recommendations

The TPD should establish a comprehensive, written language assistance plan on providing services to LEP persons that incorporates the five elements referenced above and addresses the concerns raised in this Compliance Review Report. In doing so, the TPD 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) a sample written language assistance plan. These documents are available at <http://www.lep.gov> and should assist the TPD in preparing a language assistance plan or a general order on services to LEP persons. OCR also suggests that the TPD name one person on staff to be responsible for coordinating services to LEP persons. This individual's first task might be to review the report and OCR's recommendations to develop a formal language assistance plan that will become familiar to every TPD employee.

V. Assessing TCSO's Obligation to Provide LEP Services at the David L. Moss Criminal Justice Center

As noted previously in this Compliance Review Report, the TCSO provides detention services at the David L. Moss Criminal Justice Center (DLMCJC) for individuals arrested by the TPD. The DLMCJC, which is the only correctional facility that the TCSO operates, receives arrestees from Federal, state, and local agencies. The average length of stay for inmates at the jail is fourteen days; the median length of incarceration is seven days.

The TCSO participates in the U.S. Immigration and Customs Enforcement's (ICE) 287(g) program, which was created pursuant to the Illegal Immigration Reform and Immigrant

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Responsibility Act. Under that program, ICE trains local officers to enforce immigration law as authorized through section 287(g) of the Immigration and Nationality Act. Once local officers are cross-designated, they may investigate, apprehend, and detain aliens found to be in violation of Federal immigration law. ICE and the TCSO signed their 287(g) Memorandum of Agreement (MOA) on August 6, 2007. As a result of that MOA, TCSO cross-designated thirty-two officers, all of whom are supervised by ICE when they exercise their immigration authorities. ICE also provides four bilingual agents at the DLMCJC. When individuals are detained through the 287(g) program, they are held in a separate housing unit at the facility. Since the inception of the TCSO's 287(g) program through May 31, 2008, DLMCJC transferred 1,040 individuals to ICE custody.

A. Assessment of Number of LEP Inmates and Visitors

During 2007, the DLMCJC booked 29,676 inmates. Of those inmates, 1,975 (6.65 percent) were Hispanic. While the TCSO documents each inmate's country of origin during booking, it could not provide OCR with a breakdown of how many of its inmates were LEP or the languages they speak. Similarly, it does not maintain information about the number of DLMCJC visitors seeking LEP assistance or the languages they speak.

B. Booking and Orientation

In its data response, the TCSO provided Policy No. 10-17, Use of Interpreters, which in part provides general guidelines for communication between non-English speaking community members and TCSO employees. The policy also addresses communications between the TCSO and hearing impaired persons. The interpreter policy defines non-English speaking person as "[a] person who is unable to adequately understand or communicate using the English language," which is narrower than the definition of an LEP individual in the DOJ Guidance. The policy provides procedures for communicating with LEP persons in various traditional law enforcement contexts, including booking; however, the policy does not specifically address language access issues arising in a jail facility. In its data response, the TCSO noted that it would provide training for employees about its interpreter policy as part of its June 2008 training module program. The TCSO also provided Policy No. 19-01, Booking, in its data response, which outlines the responsibilities of detention personnel regarding booking.

Under TCSO's interpreter and booking policies, if an inmate does not speak English, the arresting officer should inform the intake or search officer, who then notifies the booking supervisor. In practice, TPD officers noted that they inform DLMCJC staff of the need for language assistance when they bring an LEP arrestee to the jail. Next, the booking supervisor determines if an interpreter is needed to complete the booking process and, if so, contacts regional dispatch to request an appropriate foreign language interpreter. During that conversation, the booking supervisor should specify what type of interpreter is required for the inmate if such an interpreter is not on staff. If an outside interpreter is used, the booking

supervisor directs a detention officer to accompany the interpreter through the booking process. The booking supervisor or his designee documents the inmate's name, interpreter's name and telephone number, and the date and time that the interpreter offered his services in the booking logbook. The TCSO also uses Language Line to facilitate its contacts with LEP persons; however, the booking policy does not address how the Language Line service is to be used during booking, which may cause confusion among dispatch and officers. For instance, command staff explained during OCR's visit that an officer recently needed to communicate with two Chinese detainees. To facilitate communication, the officer contacted dispatch, which provided him with the number and access code for Language Line. While the officer asserted that Language Line was used effectively to communicate with these individuals, the booking policy does not explain under what circumstances Language Line should be used instead of a bilingual TCSO employee.

During orientation, the TCSO provides interpreter assistance to LEP individuals and distributes a Spanish language Inmate Handbook to every LEP inmate who is processed to stay at the facility. An inmate who receives an Inmate Handbook is required to sign a form acknowledging receipt of it. The Inmate Handbook was translated into Spanish by a Tulsa public school linguist.

C. Health and Safety

The TCSO does not have written procedures for the provision of medical care to LEP inmates during emergency or non-emergency situations. Instead, the TCSO appears to rely on uncertified bilingual detention officers or bilingual inmates to provide ad hoc interpreter assistance. During OCR's site interviews, a bilingual detention officer noted that she has received a request over the dispatch radio for interpreter assistance during a medical emergency. Another bilingual detention officer noted that she interprets for LEP inmates during post-booking medical screenings, although she does not have experience interpreting during a medical emergency. When an LEP inmate needs routine medical assistance during his incarceration, he must complete an Inmate Health Service Request Form, which is partially translated into Spanish. Once DLMCJC receives and processes the request, the inmate is treated by Correctional Healthcare Management (CHM), DLMCJC's medical contractor. While CHM has one Spanish-speaking individual in its medical department, it does not provide TCSO with staff or contract personnel for interpreter services.

The TCSO has written procedures regarding inmate grievances. In its data response, the TCSO provided Policy No. 5-04, Internal Affairs, which emphasizes that the TCSO accepts and investigates all complaints of alleged employee misconduct or wrongdoing from any citizen or employee. Under that policy, the TCSO is directed to accept any complaint filed in person or anonymously. Tulsa County Management Information Services is developing an online complaint procedure for public complaints. The TCSO also provided Policy No. 20-04, Prisoner Grievance and Request System, which establishes guidelines for the filing of and response to prisoner grievances and requests. In addition, Spanish-speaking LEP inmates receive general

information about pursuing grievances through the Inmate Handbook, which explains that an inmate may complete an Inmate Grievance Form if a pod officer cannot informally resolve the concern. However, the Inmate Handbook does not provide specific guidance about how an LEP inmate should submit a written grievance in a language other than English. The TCSO also does not have a process for translating an LEP grievance into English. The TCSO has received no complaints about language access issues since January 1, 2007.

D. Participation in Programs Affecting Length of Sentence

During an inmate's period of detention, the TCSO offers various educational programs, including English as a Second Language classes, religious programs, work skills programs, and support groups at DLMCJC. Moreover, in Policy No. 18-05, Inmate Work Program, the TCSO expressly notes that it does not discriminate against individuals on the basis of national origin, which tacitly acknowledges its legal obligation under Title VI and the Safe Streets Act to provide programming to LEP persons. In offering programs to inmates, the TCSO does not have an English proficiency prerequisite for inmates who are otherwise eligible to participate in programs that accrue good time credits or that improve an inmate's classification level. Instead, it provides interpreter assistance in religious services and individual classes.

E. Community Outreach

The TCSO meets on occasion with various community and media organizations that represent, among other individuals, LEP persons, including the YMCA, Catholic Charities Diocese of Tulsa, NAACP, Victory Spanish Church, Tulsa University College of Law/Immigration Legal Clinic, Le Semana Del Sur (Spanish language newspaper), and Hispano de Tulsa (Spanish language newspaper). It also has provided tours of the facility to Hispanic and Arabic media outlets that have LEP audiences. Despite these outreach efforts, during OCR's meeting with community representatives, several participants noted that there is a significant lack of communication between the TCSO and the community, that TCSO representatives should have a more open dialogue with community leaders, and that the TCSO should train more bilingual detention officers. Several members of the community also raised concerns about the TCSO's participation in ICE's 287(g) program; however, such concerns are beyond the scope of this Compliance Review Report.

F. Providing Language Services

1. Oral Language Services

The TCSO uses Language Line to facilitate its contacts with LEP persons and receives daily reports detailing its usage; however, several officers interviewed by OCR either were unfamiliar with it or had not used the service in several years. In its data response, the TCSO identified five detention officers as bilingual in Spanish based on information they provided during the hiring

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process. However, the TCSO does not conduct any initial testing or recertification of its employees' language skills, and does not offer premium pay to bilingual employees. However, the TCSO encourages employees to take language classes and to participate in language training modules, such as those offered by Rosetta Stone, so that they can become more proficient in communicating with LEP persons. If a bilingual employee is not available, inmates often use other, bilingual inmates to assist with language interpretation. Command staff members recognize that the TCSO should place a greater priority on recruiting additional bilingual detention officers.

2. Written Language Services

To determine which written materials should be made available in languages other than English, the TCSO conducts an annual written directive review, which assesses the needs of the office and citizens of Tulsa County. As a result of these periodic reviews, the TCSO translated the following seven documents in Spanish, which are available upon request and at community functions: the Inmate Handbook, the Inmate Visitation Guide, the TCSO Call Rape Sexual Assault Resource Guide, Crime Prevention Tips, Spanish Interview Card, the Handbook for Domestic Violence Victims, and the Citizen Complaint Form. The jail's Inmate Grievance Form is not translated in Spanish. TCSO's Web site, <http://www.tcsso.org>, is only available in English; however, Tulsa County Management Information Services is developing a product that will assist Spanish-speaking citizens in accessing the Web site. The TCSO posts signs at DLMCJC in Spanish prohibiting specific behavior, addressing emergency procedures, and instructing inmates how to use various services, such as the booking telephone. However, there were no printed signs or other information in Spanish at the front desk of the jail on the first floor where all members of the public enter.

G. Recommendations

As an initial matter, OCR would like to recognize and commend the TCSO for the actions it already has taken to improve its services to LEP persons detained in or visiting the DLMCJC, such as having a written language assistance plan, making a commitment to utilize available telephonic interpreters, employing bilingual employees, and translating certain vital documents for LEP individuals.

The TCSO should build upon these steps to provide more effective language assistance to LEP inmates and visitors. It should identify the LEP populations that are detained in and visit the DLMCJC facility; should instruct TCSO employees on how to provide language assistance services in a variety of situations, such as during booking, during the period of detention, and when members of the public visit or contact DLMCJC; should clearly instruct employees when it is appropriate to obtain services from qualified bilingual employees and when it is appropriate to contact a telephonic interpretation vendor; and should include a section addressing how the TCSO will train employees on its policies and procedures. The plan should instruct employees

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to use other inmates or visitors of LEP inmates to interpret only in unforeseen, emergency circumstances while awaiting a qualified interpreter. For helpful tips on developing an effective language assistance plan, the TCSO should review the Planning Tool for Creating a Language Assistance Policy and Plan in a Department of Corrections, available at http://www.lep.gov/LEP_Corrections_Planning_Tools.htm. See *supra* Part IV for further tips about developing an effective language assistance plan.

To ensure the accuracy of interpretation services provided by bilingual employees, the TCSO should implement an objective testing process for assessing employee language skills. Because the skill of communicating with another person in a foreign language is different from the skill of interpreting, which requires listening to speech in one language and orally conveying its meaning in another language, relying on employees' self-identification of bilingual competency is not the best method of assessing the ability to interpret. To increase the number of bilingual employees who are available to provide interpretation services, the TCSO should take active steps to recruit bilingual employees, particularly those who speak Spanish, and may wish to consider providing additional compensation to employees who demonstrate proficiency in a foreign language.

The TCSO also should take additional steps to make various documents and signs available in Spanish. DOJ encourages recipients to satisfy the "safe harbor" provision in its Guidance Document when determining what documents to translate. See *supra* Part III.B. for an explanation of the safe harbor provision. In accordance with the DOJ Guidance, the TCSO should carefully evaluate all of its written materials to ensure that all "vital" documents are translated into the languages that meet the safe harbor threshold. The TCSO should also develop a strategy for distributing its translated materials to inmates and the public, as appropriate, including through its Web site. To ensure that both inmates and visitors are aware of their availability of free language services, the TCSO should post signs in the DLMCJC stating that, on request, free language services are available. At a minimum, these signs should be in Spanish.

VI. Training for TPD and TCSO Employees

Once the TPD and the TCSO have made pertinent policy changes, they should immediately train all employees about the plan to ensure that all employees are aware of the proper procedures for providing language assistance services. Following this initial training, the TPD and the TCSO should establish annual training sessions focused specifically on providing language assistance services to LEP individuals. As part of its training program, the TPD and the TCSO 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 to be particularly helpful in training employees how to provide services effectively to LEP populations.

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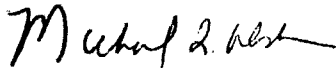
VI. Conclusion

This letter serves as notice that OCR has made a preliminary determination that the TPD appears to be taking steps to provide meaningful access to its programs and activities to LEP persons. However, the TPD should build on these steps to ensure compliance with Title VI and the Safe Streets Act. This letter also serves as notice that OCR has made a preliminary determination that the TCSO is taking steps to provide meaningful access to its programs and activities to LEP persons. However, the TCSO also should take further action to ensure compliance with Title VI and the Safe Streets Act.

On request, OCR is available to provide technical assistance to the TPD and the TCSO in implementing its recommendations and formulating a written language assistance plan. **Immediately upon receipt of this letter, we ask that the TPD and the TCSO each have a responsible agency official contact Attorney Advisor Christopher P. Zubowicz to develop a timeline and goals for developing a written language assistance plan for your agency.**

Thank you both for your cooperation and the assistance of your staff throughout the compliance review process. If you have any questions, please contact Mr. Zubowicz at 202.305.9012.

Sincerely,



Michael L. Alston
Director

Enclosures