



**U.S. Department of Justice**

Office of Justice Programs

*Office for Civil Rights*

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*Washington, D.C. 20531*

**CERTIFIED-RETURN RECEIPT REQUESTED**

April 29, 2008

Chief of Police Roger MacLean  
Allentown Police Department  
425 West Hamilton Street  
Allentown, Pennsylvania 18101

Re: Compliance Review of the Allentown Police Department (06-OCR-0062)

Dear Chief MacLean:

I am writing to report the findings of the compliance review of language services at the Allentown Police Department (APD), conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice. The OCR would like to thank APD staff, especially Sergeant Edward Bachert, for assisting OCR attorney Karen Ward during her March 20-23, 2006, onsite visit.

In my letter of January 10, 2006, I wrote to inform former Chief of Police Joseph Blackburn that OCR had selected the APD 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, OCR limited the scope of the compliance review to the APD's provision of services to people with limited English proficiency (LEP). A 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 U.S. Department of Justice 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, OCR initiated this compliance review to determine the extent to which APD is providing language services to LEP persons.

After a thorough evaluation of the APD's services and activities, including the APD's responses to OCR's data requests, OCR's discussions with representatives from LEP communities, and the

information OCR gathered during its onsite visit, which included interviews with department officials, command staff, and sworn officers, we sent you a draft report on January 29, 2008, in accordance with 28 C.F.R. §§ 42.107(d)(2) and .206(e). In an April 28, 2008, telephone conversation, APD Officer James Gress told OCR Attorney Advisor Shelley Langguth that the APD did not find any factual inaccuracies in the draft report. However, Officer Gress explained that since the time of OCR's March 2006 onsite visit, the APD has taken some additional action to provide services to LEP individuals. Specifically, APD patrol officers now note in an incident report when they obtain language assistance for a LEP individual; the APD's Communications Center's annual budget contains a specific appropriation for Language Line expenses; Spanish-speaking officers attend monthly neighborhood crime meetings and can present information in Spanish for Spanish-speaking attendees; and the APD uses bilingual on-call chaplains who speak a variety of languages as an additional source of language assistance for LEP individuals. These actions address some of the recommendations that are contained in this Compliance Review Report.

In regard to the limited scope of our review, we conclude that the APD is taking steps to provide LEP persons with meaningful access to police services. However, the APD needs to build on these steps and take further action to ensure that it is meeting 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 APD may find helpful in developing policies to improve its services to LEP individuals.

### **Compliance Review Report**

This Compliance Review Report closely tracks the DOJ Guidance: first assessing the APD's obligation to provide LEP services and then reviewing the elements that APD 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 APD, OCR offers the following observations and recommendations.

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

The APD divides the City of Allentown into four Police Service Areas, and has one central police station that serves all four areas. The APD did not provide OCR with information regarding the racial and ethnic demographics or the languages spoken in each Police Service Area. Based on recent data from the U.S. Census Bureau, in 2005, the overall racial and ethnic composition of the City's 105,231 citizens was as follows: 72,903 (69%) were White; 8,850 (8%) were Black; 156 (.1%) were American Indian or Alaska Native; 1,738 (.2%) were Asian; none (0%) were Native Hawaiian or Other Pacific Islander; 19,416 (18%) were some other race; and 2,168 (2%) were two or more races. U.S. Census Bureau, AmericanFactFinder, Allentown city, Pennsylvania, General Demographic Characteristics: 2005 at <http://factfinder.census.gov>. Hispanic or Latino citizens of any race totaled 35,690, or 34% of the City's population. Id.

Data from the U.S Census Bureau also demonstrates that in 2005, the City of Allentown had an estimated population of 97,016 residents age five and older; of this group, 25,174 spoke Spanish, and almost half of this number (12,352) spoke English less than "very well," which OCR considers LEP. U.S. Census Bureau, American FactFinder, 2005 American Community Survey, Allentown city, Pennsylvania, C16004 – Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over at <http://factfinder.census.gov>. This data further indicates that 2,126 residents age five and older spoke other Indo-European languages, with 544 speaking English less than "very well;" 1,475 spoke Asian and Pacific Island languages, with 705 speaking English less than "very well;" and 2,578 spoke other languages, with 1,604 speaking English less than "very well." Id.

Recommendation

The APD should review the latest data from the U.S. Census Bureau to determine more accurately the language assistance needs of its service population. Many police departments have also 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 APD also should track its LEP population to monitor population shifts.

B. Frequency of Contacts with LEP Persons

The APD does not have a system in place to track contacts with LEP persons, whether those encounters occur over the phone, in the field, or at the police station. Some information on the APD's contacts with LEP persons is contained in reports from Language Line, a private vendor that provides telephonic interpretation services for the APD in more than 140 languages. During the onsite visit, command staff from APD's Communications Center told OCR that when a LEP individual calls the APD, Communications Center employees can contact Language Line to

obtain language assistance services.<sup>1</sup> Additionally, other APD employees told OCR that if they encounter a LEP person in the field or at the police station, they can contact the Communications Center to access Language Line.

The APD provided OCR with a Language Line report listing the telephonic interpretation services that Language Line provided to APD's Communications Center from December 2004 through November 2005. This report demonstrates that the Communications Center utilized Language Line 274 times; 269 of these calls (98%) utilized a Spanish interpreter, two calls utilized an Arabic interpreter, and the remaining three calls involved interpretation in Mandarin, Turkish, and Somali.

While the Language Line reports provide some helpful information, Language Line data underestimates significantly the APD's contact with LEP individuals. This data only captures the situations when the APD used Language Line to provide language assistance; it does not capture field encounters and walk-ins where another type of language assistance is utilized, or the telephone calls with LEP persons when the Communications Center did not contact Language Line. During the onsite interviews, command staff from the Communications Center told OCR that the Communications Center employs two Spanish-speaking operators, and that these bilingual operators will often handle calls from Spanish-speaking LEP callers without contacting Language Line.

#### Recommendation

The APD should establish reliable systems for gathering information on contacts with its LEP service population. Supplementing the reports of Language Line, the APD should establish procedures for recording and gathering data on all emergency and non-emergency calls from LEP persons that do not involve Language Line, including information on the nature of the call, the language requested, and the length of time a bilingual operator or other interpreter spent with the LEP caller. The APD 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 or by creating a new form. However the APD chooses to track information on its contacts with LEP persons, it should be sure to include information on the language spoken by the LEP person and the APD's response to the need for language assistance. The APD should then tabulate all of the data on an annual basis to determine the language needs of its LEP service population.

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<sup>1</sup> Command staff explained that in addition to handling calls for police services, the Communications Center also handles emergency calls for assistance from the City's Fire Department and Emergency Medical Services.

C. Important Public Services to LEP Individuals

1. Emergency and Non-Emergency Calls

Based on information gathered during the onsite visit and from the City of Allentown's website, [www.allentownpa.org](http://www.allentownpa.org), OCR understands that the APD's Communications Center within the Bureau of Communications handles both the emergency (911) and non-emergency calls for police services. The APD does not have any written policies for providing services to LEP callers, other than a section in the Communications Training Manual instructing employees how to access Language Line. During the onsite visit, command staff from the Communications Center told OCR that call takers interact with LEP callers by utilizing the skills of a bilingual Communications Center employee or by contacting Language Line. At the time of OCR's site visit, command staff noted that the Communications Center had 26 employees, and that two of these employees spoke Spanish. According to command staff, Communications Center employees do not document whether a caller is LEP. A Communications Center dispatcher told OCR that if a caller is LEP the dispatcher will attempt to send a bilingual officer to the scene.

2. Field Encounters

In its data response, the APD stated that it has no written policies regarding the provision of language assistance to LEP persons during officers' encounters in the field. According to the APD, the APD has an informal protocol in place which includes locating an interpreter within the APD. If an appropriate bilingual employee is not available, the APD attempts to locate an interpreter by contacting other agencies such as Lehigh County Prison and Lehigh County Sheriff's Office. The APD said that if the language is uncommon, then the APD will contact an individual from its Language Name List; during the onsite visit, APD employees told OCR that this list contains individuals from the community such as doctors and university professors who have volunteered to serve as interpreters for the APD. At the time of APD's data response, the Language Name List contained the names and contact numbers of 25 individuals who speak a total of 18 languages. The APD further said that officers may rely on the friends or family members of a LEP victim or complainant when preparing an incident report.

During OCR's onsite interviews, patrol officers told OCR that if they encounter a LEP person in the field, they will either contact the Communications Center to request a bilingual officer or will request a bilingual officer themselves over the radio. The officers said that if a bilingual APD officer is not available, the Communications Center will contact an outside agency from Lehigh County. One officer with whom OCR spoke reported contacting the Communications Center to access Language Line during an encounter with a LEP person; all of the other officers told OCR that they never used Language Line, and several officers were not familiar with Language Line or did not know how to access it.

Regarding the use of family members, friends, or bystanders to interpret, almost every officer whom OCR interviewed reported regularly using these individuals to interpret. Several officers reported using children as interpreters to obtain general information or during a minor incident; however, one of these officers specifically noted that he would not use a child to interpret during a domestic violence situation. Several officers also told OCR that they initially attempt to communicate with LEP individuals by using rudimentary Spanish or with hand gestures, and if that does not work, then the officers use family or friends of the LEP individual or contact a bilingual officer.

### 3. Interviews and Interrogations

In its data response, the APD provided OCR with a copy of APD General Order 6-7, Interview and Interrogation. This General Order contains a paragraph stating that when officers are interrogating individuals who do not speak or understand English, they should notify their immediate supervisor and obtain an interpreter in accordance with state and federal law. The Order instructs that “[a]n interpreter must be present before the suspect’s rights are explained, waived, or any interrogation takes place.”

During the onsite visit, command staff told OCR that each relevant bureau or unit has its own unwritten protocol for locating an interpreter during interviews and interrogations. In the Detective Bureau, officers requiring language assistance for a Spanish-speaking individual use the Bureau’s Spanish-speaking detective. If that individual is unavailable or if the LEP individual speaks a different language, then the Detective Bureau will contact a bilingual patrol officer or civilian employee. In the Special Victims Unit, officers first attempt to locate a bilingual employee from the Child Advocacy Center of Lehigh Valley, a non-profit organization advocating for the rights of children; the Special Victims Unit is located in the same building as the Child Advocacy Center. If an appropriate bilingual employee from the Child Advocacy Center is not available, then the Special Victims Unit uses a bilingual patrol officer or bilingual civilian employee if necessary. The Vice and Intelligence Unit has bilingual officers who are available to serve as interpreters, and if those employees are not available, then officers from this Unit attempt to locate a bilingual officer from patrol or a bilingual clerk from the Unit. Officers from the Community and Youth Services Unit rely on the bilingual officers from the Vice and Intelligence Unit for interpretation, and if the officers are unavailable, then they use a bilingual patrol officer or a bilingual clerk from the Vice and Intelligence Unit.

Command staff told OCR that for uncommon languages where the above-referenced protocols fail to locate an interpreter, officers will contact a volunteer interpreter from the Language Name List. The command staff stated that officers instruct the interpreter that the proceedings are confidential.

#### 4. Arrests, Bookings and Detention

The APD's General Order 4-22, Arrest Procedures, does not address the arrest of LEP individuals. In its data response, APD stated that in such situations, APD officers will use a bilingual APD employee, a bilingual employee with another agency such as the Lehigh County Prison or Lehigh County Sheriff's Office, or a volunteer interpreter from the Language Name List. The APD provided OCR with a card containing Miranda Rights translated into Spanish, along with a Waiver of Rights form translated into Spanish.

Once the APD arrests an individual, APD detains the individual for up to 72 hours in a holding facility at the police station. As part of the booking process, the APD searches the detainee, provides the detainee with a Property Inventory Form to sign, and completes a Medical Screening Form. All of the forms related to booking are only in English. According to APD's Cell Block/Temporary Holding Manual, the APD must post the procedures for accessing medical services in both English and Spanish in areas used by detainees; the APD provided OCR with a copy of this signage translated into Spanish that appears in the cell block area. Based on APD's data response, OCR understands that when booking and detaining a LEP individual, the APD follows the same procedures to obtain language assistance services as when arresting a LEP individual.

#### 5. Complaints

The APD provided OCR with its written procedures for handling complaints from the public; these procedures do not address the receipt of complaints from LEP individuals. See General Order 2-5. Briefly, members of the public can file a complaint against APD employees in person, over the phone, or in writing, and APD's Office of Professional Standards (OPS) oversees and coordinates all complaint investigations. When an APD employee receives a complaint, the employee records the complaint on the Complaint Reception and Processing Worksheet. In its data response, the APD stated that all complaint forms are internal forms and are only in English; therefore, OCR understands that the complainant does not complete, review, or sign the Complaint Reception and Processing Worksheet. The OPS notifies the complainant in writing of receipt of the complaint, and notifies the complainant either verbally or in writing of the result of the investigation; OCR understands that written correspondence is only in English.

In its data response, the APD explained that if a complainant needs an interpreter, the APD will provide one or the complainant can request the complainant's own interpreter. As previously discussed in this Compliance Review Report, the APD provides an interpreter by using a bilingual APD employee, a bilingual employee with another agency such as the Lehigh County Prison or Lehigh County Sheriff's Office, or a volunteer interpreter from the Language Name List.

The APD reports that there have been no complaints alleging ineffective communication with a LEP individual during the period of January 1, 2003 through January 2006.

## 6. Community Outreach

In its data response, the APD stated that it has not conducted any specific outreach on LEP, but that it runs a Civilian Police Academy and numerous town meetings where LEP issues can be discussed. According to information contained on the City of Allentown's website, the purpose of the Civilian Police Academy is to educate citizen participants on the daily operations of the APD and to enhance the relationship between the police and the community.

During the onsite visit, one command officer told OCR that he serves on the board of Casa Guadalupe; OCR understands that this is a non-profit community organization serving Latino residents in Lehigh Valley. This officer also told OCR that he serves as a liaison with the City of Allentown's Syrian community, where his role is to bridge the gap between the APD and the Syrian community and dispel any mistaken beliefs about the APD. This officer further stated that at the time of OCR's onsite visit, the APD was working with clergy members from the Hispanic community to address gang problems within this community.

The OCR spoke with a representative from an organization serving the City's Spanish-speaking LEP community, and this representative was not aware of any outreach efforts by the APD. The representative also said that she has not heard of any concerns from the Spanish-speaking LEP community regarding how the APD provides services to this community.

The officers and APD officials with whom OCR spoke said they do not expressly notify the public that free language services are available. Many of the officers told OCR that they assume that LEP individuals know that language services are available.

## 7. General Language Services

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

### a. Oral Language Services

The APD officials and patrol officers identified five ways in which the APD provides oral language assistance to LEP individuals: (1) through Language Line; (2) through bilingual APD employees; (3) through bilingual employees with other agencies such as the Lehigh County Prison and Lehigh County Sheriff's Office; (4) through volunteer interpreters from the community; and (5) through friends or family members of LEP individuals or third-party bystanders.



As previously noted in this Compliance Review Report, the APD uses Language Line to respond to telephone calls from LEP persons, and may also use this service during face-to-face encounters. While Language Line appears to be useful to the Communications Center employees in responding to emergency and non-emergency calls for service, it appears that few officers or other civilians use this service. During the onsite interviews, patrol officers explained that they do not have direct access to Language Line in the field; rather, officers have to contact the Communications Center and then be connected.

The APD stated that for non-telephonic encounters with LEP persons, employees will first try to locate a bilingual APD employee to provide language assistance. In its data response, the APD provided a list of 13 employees, out of over 300 employees, who speak a language other than English. Of these 13 employees, 12 speak Spanish and one speaks Chinese. The APD did not specify whether this list is maintained by APD and distributed to employees; OCR understands that APD compiled this list only in response to OCR's data request. The APD said that it does not officially authorize or recognize employees to serve as interpreters, and bilingual employees told OCR that the APD does not conduct any testing of their proficiency level. The employees further told OCR that they are self-identified as bilingual. Several bilingual officers who were listed in APD's data response told OCR that they have an "intermediate" level of language proficiency in the foreign language; one officer who has provided interpretation during interrogations and interviews described his language proficiency as "basic conversation skills."

The APD does not compensate bilingual employees for serving as interpreters. In its data response, the APD explained that it may take language into account when making assignments, and that the goal is to have Spanish-speaking officers on all platoons and units. Most of the bilingual officers with whom OCR spoke said that they have not been called in after duty hours to provide language assistance and that serving as an interpreter did not interfere with their regular duty assignments; however, one officer said that when he is pulled away from his duties there is no one available to cover his work. Command staff told OCR that the APD encourages individuals with foreign language skills to apply for employment, and that APD conducts recruitment at job fairs and colleges.

As previously discussed in this Compliance Review Report, if an appropriate bilingual APD employee is not available, then APD will contact other agencies such as the Lehigh County Prison and the Lehigh County Sheriff's Office to locate an interpreter. Additionally, the APD maintains a list of community members such as doctors and university professors who speak one or more foreign languages and have volunteered to serve as an interpreter. At the time of APD's data response, the individuals on this Language Name List spoke 18 different languages: Arabic, Cantonese, Chinese, French, German, Greek, Italian, Mandarin, Polish, Portuguese, Punjabi, Serbo-Croatian, Spanish, Swatowese, Swahili, Ukrainian, Vietnamese, and Yugoslavian. The APD stated that it provides this list to APD officers, and several officers with whom OCR spoke reported using individuals from this list to interpret.

Regarding the use of family members, friends, and bystanders to interpret, as explained in the section on field encounters, APD officers report regularly using these individuals to interpret. Additionally, as also discussed in the section on field encounters, several officers told OCR that they initially attempt to communicate with LEP persons by using hand gestures or rudimentary Spanish if applicable.

As noted previously in this Compliance Review Report, the APD does not have a written policy for providing oral language assistance to LEP persons, and it appears that the APD provides little or no training on this issue. In its data response, APD stated that field training officers instruct employees on how to provide assistance to LEP persons, and during onsite interviews the APD's training officer said that APD trains employees on how to access Language Line. However, the majority of officers told OCR that they never received any training on how to provide language assistance to LEP individuals, including how to access Language Line. During the onsite visit, command staff with the Communications Center told OCR that APD trains Communications Center employees on Language Line during orientation; as previously discussed, there is a section in the Communications Training Manual that instructs employees on how to access Language Line. One officer told OCR that the APD previously offered Spanish classes for patrol officers, but does not anymore.

b. Written Language Services

In its data response, the APD said that it translates documents into languages other than English based on the demographics of the City of Allentown. The APD provided OCR with the following documents that it has translated into Spanish: a card with Miranda Rights; a Waiver of Rights form; and a pamphlet on victims' rights. The APD explained that documents are translated and proofread by individuals who fluently speak, read, and write the foreign language; OCR understands that bilingual APD employees translated the above-referenced documents into Spanish. The APD stated that it notifies the public that translated materials are available through word of mouth and through various agencies such as Children and Youth Services, Victim's Assistance Programs, and Lehigh County agencies. According to the APD, officers hand-deliver the materials to victims or witnesses. However, none of the patrol officers with whom OCR spoke reported distributing translated materials in the field.

As previously discussed in this Compliance Review Report, the APD has a sign translated into Spanish posted in the cell block area informing detainees how to access medical services. The information pertaining to the APD on the City of Allentown's website, [www.allentownpa.org](http://www.allentownpa.org), is entirely in English.

Recommendations for PPD

While the APD is currently taking steps to provide services to LEP persons, such as employing some bilingual employees and utilizing the services of bilingual individuals from Lehigh County

agencies and within the community, the APD should take further action to provide more effective language assistance to LEP individuals. As an initial matter, the APD should establish comprehensive, written protocols on providing services to LEP persons in a variety of contexts, including field and walk-in encounters, interviews and interrogations, arrests, bookings and detention, complaint processing, and community outreach. In these protocols, the APD should advise employees to initially attempt to obtain language assistance services from qualified bilingual employees or Language Line, and if these options are not available or appropriate, then from identified County agencies or community members. The APD should explicitly note that employees should use family members, friends, or bystanders to interpret only in unforeseen, emergency circumstances while awaiting a qualified interpreter.

Once the APD has established and formalized its protocols, it should immediately train all employees on the protocols to ensure that all employees are aware of the proper procedures for providing language assistance services. Following this initial training, the APD should establish annual training sessions focused specifically on providing language assistance services to LEP individuals, and should be sure to include this issue in its new recruit training.

To ensure the accuracy of interpretation services provided by bilingual employees, the APD should implement an objective testing process for assessing employees' language proficiency. 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 into another language, relying on employees' self-identification of bilingual competency is not the best method of assessing the ability to interpret. Moreover, several bilingual officers with whom OCR spoke rated their language skills as only "intermediate" or even "basic conversation skills." An objective testing process does not need to involve a formal certification process. For example, the APD could test employees' interpretation skills through oral review panels comprised of sworn officers, language professors from local colleges or universities, and community group members who are competent to interpret. Similarly, tests of a bilingual employee's written translation skills should capture an employee's ability to render written communication in one language into the writing of another language.

The APD should also require community members who volunteer to serve as interpreters for APD to undergo this proficiency testing, if the community member is not already certified or recognized by a credible outside source. Additionally, the APD should have some mechanism to assess the competency of Lehigh County employees who provide language assistance services for APD, such as requiring them to undergo APD's proficiency testing as well.

After conducting proficiency tests, the APD should maintain a list of all bilingual employees who have demonstrated proficiency in a foreign language. This list should include the contact information for each employee, the language(s) that the employee speaks, and should indicate whether the employee has the ability to interpret or translate. The APD should ensure that this list is constantly updated and distributed to all APD employees. Additionally, APD should

update its Language Name List to include only those community members who have demonstrated proficiency in a foreign language.

To increase the number of bilingual officers who are available to provide language assistance services for APD, the APD should increase its efforts to recruit bilingual officers, particularly those who speak Spanish and other frequently encountered languages. The APD may wish to consider providing additional compensation to employees who demonstrate proficiency in a foreign language, as well as paying for employees to attend foreign language classes in languages that the APD frequently encounters.

In regard to written materials, to ensure compliance with Title VI, the APD should make additional documents and resources available in languages other than English. The Department of Justice 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 APD 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 the 2005 Census data previously cited, it appears that the Spanish-speaking LEP population of the City of Allentown clearly meets the 1,000 person safe harbor threshold. Although the data is less clear for other language groups, their presence may also meet the safe harbor threshold. The APD should also implement quality control measures to ensure the accuracy of translated materials and to make sure that all of the information is being conveyed to LEP persons. The ability of an individual to speak a foreign language does not necessarily mean that the individual has the skills to translate a document from English into the foreign language. The accuracy of translated materials could be ensured by having a second, independent translator, such as an officer, a professor from a local university, or a community member who has demonstrated competency in translation, to verify the work of the primary translator. The APD may also wish to use “back translation,” where the primary translator can translate the document, and a second, independent translator could translate it back into English to ensure that the appropriate meaning has been conveyed. Once the APD translates the “vital documents” and ensures their accuracy, it should then develop a strategy for distributing the materials to the relevant LEP communities.

The APD should also post a sign(s) in Spanish and in other frequently-encountered languages in the public contact areas of its police station stating that upon request, free language services are available. The APD should make sure that important information relating to APD's services and activities available in English on the City of Allentown's website is also available in the primary languages of the largest LEP populations.

As community outreach can play a vital role in improving police services and advancing law enforcement objectives, the APD should conduct outreach activities with its LEP communities, particularly the Spanish-speaking LEP community. The APD should consider holding separate meetings with each LEP community, perhaps in collaboration with community, business, and religious leaders representing the LEP population, so that the APD can hear the LEP community's unique concerns. When doing so, the APD should be sure to have a qualified interpreter at the meeting, either from the APD or from a community organization. The APD may consider working with ethnic media outlets to publicize these meetings and to inform LEP persons of the availability of free language assistance services and other important resources. Additionally, building upon its collaboration with members of the clergy in the Hispanic community, the APD may want to establish partnerships with organizations or groups serving LEP populations to address law enforcement issues specific to the LEP communities. To ensure that its outreach efforts are effective, the APD should establish a mechanism for gathering community feedback on its provision of services to LEP individuals. For example, the APD may want to develop a written survey of community groups serving LEP populations, or to convene a focus group of LEP individuals.

#### D. Available Resources

The APD's fiscal year is from January 1 to December 31. According to the APD's data response, it budgeted a total of \$25,456,652.00 for operational expenses in Fiscal Year 2005, and spent none of this funding on language services. In Fiscal Year 2006, the APD budgeted a total of \$28,389,429.00 for operational expenses, with none of this funding budgeted for language assistance services. The OCR is assuming that the APD did not take into account the amount of money expended on or budgeted for Language Line services when it reported these figures.

Along with Language Line, APD bilingual employees serve as the APD's principal resource for communicating with LEP persons. As of the time of OCR's onsite visit, only 13 APD employees, out of over 300 employees, spoke a foreign language, with 12 of these employees speaking Spanish and one employee speaking Chinese. The APD currently does not provide bilingual employees with any additional compensation or benefits for providing language assistance services. The APD also relies on bilingual employees from Lehigh County agencies and bilingual community members who have volunteered to serve as interpreters for APD.

In its data response, the APD stated that if employees are unsure what language an individual is speaking, they rely on "I speak" cards by the U.S. Census Bureau or a Language Identification

Card developed by Language Line. During the onsite visit, command staff told OCR that these cards are available at the front desk at the police station.

#### Recommendation

The APD should undertake a review of its human and capital resources in assessing how well it is responding to the needs of its LEP populations, particularly the City's Spanish-speaking population. As previously discussed in this Compliance Review Report, the APD should gather feedback from the local LEP service population on how APD can provide more effective language assistance services. The APD 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. To this end, the APD should also consider providing incentive pay or bonuses for APD employees who interpret or translate along with paying for officers to attend foreign language classes in the most frequently-encountered languages. The APD should continue to use qualified volunteer interpreters from the community to provide cost-effective language assistance services, and may also utilize community groups to identify other community resources that are available to provide 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 APD should develop a comprehensive, written language assistance plan that incorporates the five elements referenced above and addresses the concerns raised in this Compliance Review Report. In doing so, the APD 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 online at <http://www.lep.gov>, and should assist the APD in preparing a language assistance plan or a general order on services to LEP persons.

#### Conclusion

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

Chief Roger MacLean  
April 29, 2008  
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the OCR is available to provide technical assistance to the APD in implementing these recommendations and formulating a written language assistance plan. **Immediately upon receipt of this letter, we ask that a responsible APD official contact Attorney Advisor Shelley Langguth to develop a timeline and goals for developing a written language assistance plan.**

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

Yours very truly,  
/s/

Michael L. Alston  
Director

cc: Officer James Gress  
Allentown Police Department