



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

March 16, 2018

Kirk A. Jackson
Chief of Police
La Marque Police Department
431 Bayou Road
La Marque, TX 77568

Re: [REDACTED] v. La Marque Metro. Police Dep't (15-OCR-053)
Closure

Dear Chief Jackson:

Thank you for the position statement and relevant documentation that you submitted to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) in regard to the administrative Complaint that [REDACTED] (Complainant) filed against the La Marque Police Department (LMPD). The Complainant alleges that the LMPD discriminated against him based on his national origin in violation of Title VI of the Civil Rights Act of 1964 (Title VI), and its implementing regulation.¹ The Complainant timely filed his Complaint, and at the time of the alleged discrimination, the LMPD received funding from the OJP and used law enforcement-related property partially paid for by the OJP.² The OCR therefore had jurisdiction to open an investigation.³

I write to notify you that the OCR administratively closed this Complaint after the LMPD adopted a Limited English Proficiency (LEP) Policy, contracted for telephonic interpretation services, trained its officers on use of the interpretation service, and offered the Complainant language-assistance services in [REDACTED].

Background

The LMPD is a small rural police force that has approximately twenty-five employees and is responsible for emergency dispatch and police services in the City of La Marque, Texas. On December 12, 2014, the Complainant submitted the above-referenced Complaint to the OCR alleging that LMPD officers had discriminated against him based on his national origin. He claimed that on a number of occasions in 2014, including in multiple occasions in September 2014, the LMPD refused to communicate with him

¹ 42 U.S.C. § 2000d (2012); 28 C.F.R. §§ 42.101-.112 (2017).

² The Bureau of Justice Assistance (BJA), a component of the OJP, reimbursed the LMPD in 2009 for the purchase of 11 Bulletproof Vests (\$2,922.50) that were in use during the entire period of the alleged discrimination. Additionally, the City of La Marque received a FY 2011 Justice Assistance Grant from BJA, Grant No. 2011-DJ-BX-3297 (Oct. 1, 2010 - Mar. 31, 2015) (award for \$12,714).

³ See *James v. Jones*, 148 F.R.D. 196, 201 (W.D. Ky. 1993) (concluding that the recipient need not continue to receive federal financial assistance at the time of the investigation but merely need to have received it at the time of the alleged discrimination).

on account of his purported inability to speak English. According to the Complainant, LMPD officials claimed that they could not respond to his concerns because they had difficulty understanding him based in part on a language barrier. The Complainant asserts that he is proficient in English. The Complainant states that if he had trouble communicating with LMPD officers, he would have accepted an interpreter if one had been offered.

The LMPD asserts that it offered the Complainant an interpreter after he initially came into contact with the LMPD officers. In a letter dated October 8, 2014, LMPD Chief Randell Aragon explained to the Complainant that he had directed LMPD employees not to communicate with the Complainant unless the call concerned an emergency or the Complainant provided an interpreter.

Analysis

The DOJ Title VI regulations prohibit recipients of federal financial assistance from utilizing criteria or methods of administration that have the effect of subjecting individuals to discrimination because of national origin.⁴ The LMPD should take reasonable steps to ensure LMPD officers who come into contact with LEP person are able to provide unbiased police services.

Based on the documentation that the LMPD submitted and communications with LMPD officials, the OCR determined that the LMPD had no formal policies and procedures in place to provide police services to LEP individuals.

After the OCR communicated the basis of the Complaint to the LMPD, you expressed a desire to modify the LMPD's practices to improve LEP individuals' access to LMPD's services. With OCR's assistance, the LMPD voluntarily adopted a written language-access plan that the LMPD subsequently incorporated into its Written Directives system. Additionally, the LMPD undertook a survey of its employees to determine which officers and staff spoke languages other than English. After the review, the LMPD entered into a contract with a telephonic interpretation service that allowed its dispatchers to facilitate communications between LMPD officers and LEP individuals. Once the LEP policy and telephonic interpretation contract were in place, the LMPD ordered language-access training for all of its officers. On your own accord, you personally reached out to the Complainant to address his concerns and offer him the opportunity to communicate with the assistance of an interpreter. Lastly, the LMPD placed a copy of its LEP policy on its website.⁵

Recommendations

The LMPD has adopted policies that addressed the concerns raised in the Complaint. The OCR makes the following recommendations:

- Post signs in intake areas and other entry points in commonly encountered languages, such as [REDACTED] and [REDACTED], stating that an interpreter is available on request at no charge;

⁴ See 8 C.F.R. 42.104(vii)(2).

⁵ La Marque, Texas, LEP Policy, <http://www.ci.la-marque.tx.us/376/Limited-English-Proficiency> (last visited Nov. 17, 2017).

- Publish forms, including blank citation forms, and outreach documents in commonly encountered languages;
- Translate the LMPD LEP policy into languages that LMPD officers regularly encounter;
- Incorporate LEP training into yearly in-service training programs for all employees, whether sworn or civilian, who have contact with the public; and
- Monitor and update the LEP policy on a regular basis.

This Letter addresses only the specific facts of this Complaint Investigation and does not preclude the DOJ from taking additional action to evaluate the LMPD's compliance with any of the laws the DOJ enforces. The closure of this Complaint does not affect the LMPD's obligation to comply with all applicable federal laws and regulations. This Closure Letter is a public document that the OCR may post on its website.

Thank you for the cooperation and assistance that you provided to OCR Attorney Advisor Ben Hernandez-Stern in the course of this Complaint Investigation.

Sincerely,

 Revoked certificate

X 

Michael L. Alston
Director
Signed by: MICHAEL ALSTON