



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

CERTIFIED-RETURN RECEIPT REQUESTED

April 6, 2011

Chief of Police Roberto Villaseñor
Tucson Police Department
270 S. Stone Avenue
Tucson, AZ 85701

Re: Compliance Review of the Tucson Police Department
Docket No. 10-OCR-0197

Dear Chief Villaseñor:

I am writing to report the findings of the compliance review of language services at the Tucson Police Department (TPD), conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice. The OCR would like to thank TPD staff, especially Lieutenant Elise Souter, for assisting OCR attorneys Shelley Langguth and Tamara Baxter during their April 29-30, 2010, onsite visit.

In my letter of January 29, 2010, I wrote to inform you that the 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. The OCR's review of the TPD is in connection with a compliance review that we are conducting of the juvenile justice components and services of Pima County, Arizona. As I noted in my January 29 letter, the OCR limited the scope of the compliance review to the TPD's provision of services to people with limited English proficiency (LEP), including LEP juveniles and LEP families¹ of juveniles. An LEP person is an individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English.

In June of 2002, the 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, the OCR initiated this

¹ Throughout this Compliance Review Report, the terms "family" and "families" include parents and/or legal guardians.

compliance review to determine the extent to which the TPD is providing language services to LEP persons.

After a thorough evaluation of the TPD's services and activities, including the TPD's responses to the OCR's data requests and the information the OCR gathered during its onsite visit, which included interviews with department officials, command staff, sworn officers, and representatives from LEP communities, we sent you a draft Compliance Review Report on March 2, 2011, in accordance with 28 C.F.R. §§ 42.107(d)(2) and .206(e). In a letter dated March 29, 2011, the TPD provided some additional information and clarification regarding what languages the "Parent's Promise to Appear" form is available in, how the Independent Police Auditor communicates with LEP complainants, and how the TPD is now including information in Spanish on its media advisories. In accordance with this information and clarification, the OCR slightly revised its discussion of the above-referenced issues on pages 9, 11, and 12 of this Compliance Review Report.

In regard to the limited scope of our review, the OCR concludes that the TPD is not fully in compliance with the requirements of Title VI and the Safe Streets Act, although it is taking steps to provide LEP persons with meaningful access to police services. The TPD should build on these steps and take further action consistent with the recommendations contained herein to ensure that it is meeting its obligations under Title VI and the Safe Streets Act. 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.

Compliance Review Report

This Compliance Review Report closely tracks the DOJ Guidance: first assessing the TPD's obligation 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 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 TPD, the OCR offers the following observations and recommendations.

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

The TPD divides the City of Tucson into the following five patrol divisions: Operations Division Downtown; Operations Division Midtown; Operations Division West; Operations Division East; and Operations Division South. Based on recent data from the U.S Census Bureau, in 2009, the City of Tucson had an estimated population of 502,204 residents age five and older; of this group, 332,444, spoke English only, and 169,760 (34%) spoke a language other than English. U.S. Census Bureau, American FactFinder, 2009 American Community Survey, Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Tucson city, Arizona at <http://factfinder.census.gov>. Of the 502,204 residents age five and older, 143,816 (29%) spoke Spanish, and over one-third of this number (50,406) spoke English less than “very well,” which the OCR considers LEP. *Id.* This data further indicates that 10,565 residents age five and older spoke other Indo-European languages, with 2,120 speaking English less than “very well;” 8,415 spoke Asian and Pacific Island languages, with 3,142 speaking English less than “very well;” and 6,964 spoke other languages, with 3,041 speaking English less than “very well.” *Id.*

In its response to the OCR’s data request, the TPD provided a chart of City of Tucson residents age five and above who speak English “not well” or “not at all,” broken down by patrol division. The TPD indicated that the source of this data is the 2000 survey by the U.S. Census Bureau. The TPD’s chart indicates that of the City of Tucson’s Spanish-speaking residents in 2000 who spoke English “not well” or “not at all,” 14,735 resided in the Operations Division South, 3,718 resided in the Operations Division West, 3,257 resided in the Operations Division Midtown, 2,191 resided in the Operations Division Downtown, and 1,808 resided in the Operations Division East. During the OCR’s onsite interviews, TPD command staff and patrol officers told the OCR that the most prevalent foreign language that they encounter is Spanish, and that they also encounter individuals who speak Somali (primarily in the Operations Division West), Sudanese (primarily in the Operations Division West and Operations Division Midtown), Russian (primarily in the Operations Division Midtown and Operations Division East), and Mandarin Chinese (primarily in the Operations Division East and Operations Division Midtown).

Recommendation

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

B. Frequency of Contacts with LEP Persons

To respond to telephone calls from LEP persons, the TPD's Communications Section partially relies on Language Line Services, a private vendor that provides telephonic interpretation in over 150 languages. During the OCR's onsite visit, TPD command staff and employees said that TPD officers and civilian employees also have the option of contacting Language Line directly from the field or a TPD facility to obtain telephonic interpretation services.

Based on monthly reports that the TPD receives from Language Line, the TPD provided the OCR with a summary of the services that Language Line provided to the TPD from January 1, 2008 to January 31, 2010. This summary demonstrates that the TPD contacted Language Line on 13,960 occasions during this timeframe; 13,402 (96%) of these calls involved interpretation in Spanish, and 118 (.8%) calls involved interpretation in Somali. The remaining calls involved interpretation in a variety of languages, including Arabic, Swahili, Mandarin, Vietnamese, Russian, and French. Aside from the data obtained from Language Line, the TPD does not otherwise collect information on contacts with LEP individuals.

While the Language Line reports provide some helpful information, Language Line data underestimates significantly the TPD's frequency of contact with LEP individuals. This data only captures the situations when the TPD used Language Line to communicate with a LEP individual; it does not capture most field encounters, walk-ins, and interviews and interrogations where another type of language assistance is utilized, or the telephone calls with LEP persons when the TPD did not contact Language Line. As discussed in the following section of this Compliance Review Report, the Communications Section employs nine Spanish-speaking employees who interact with Spanish-speaking LEP callers. While the Communications Section staff told the OCR that a call taker notes in the narrative of the Computer Aided Dispatch (CAD) system if a caller is LEP, it does not appear that the TPD tracks this information. Similarly, while the patrol officers with whom the OCR spoke said that they note on an incident report when an individual is LEP and required an interpreter, the TPD does not track this information.

Recommendation

The TPD should establish reliable systems for gathering information on contacts with its LEP service population. Supplementing the reports of Language Line, the TPD should establish procedures for recording and gathering data on all emergency and non-emergency calls from LEP persons that did not involve Language Line, including information on the nature of the call, the language requested, and the length of time a bilingual call taker spent with the LEP caller. The TPD should also develop procedures for recording and gathering data on all face-to-face contacts with LEP persons, such as by modifying its existing reporting forms to contain a separate field where officers can note if an individual is LEP, the language spoken, and how the TPD provided language assistance. The TPD should then tabulate all of the data on an annual basis to determine the language needs of its LEP service population.

C. Important Public Services to LEP Individuals

1. Emergency and Non-Emergency Calls

A City of Tucson's "General Services 911 Operator" initially answers all incoming 911 calls, and depending on the nature of the emergency, transfers the call to the TPD or the City's Fire Department. The TPD's Communications Section receives the 911 calls transferred to the TPD, along with non-emergency calls placed directly with the TPD. As of the time of the OCR's onsite visit, the Communications Section employed 43 police service operators, who function as call takers, and 31 public safety dispatchers, who function as dispatchers. Six call takers and three dispatchers are Spanish-speaking and participate in the TPD's Second Language Pay Program. (See Section I.C.7 of this Compliance Review Report for a discussion of the TPD's Second Language Pay Program and Certified Bilingual Commissioned Officer Program.) The Communications Section command staff told the OCR that dispatchers also serve as call takers when needed.

The TPD's Police Communications Manual contains a section on responding to LEP callers. The Communications Manual states that if a call taker encounters a non-English speaking caller, the call taker should first ask if the caller speaks English or if there is an English speaker present who can assist. If not, the call taker should determine the language the caller speaks and whether there is an appropriate bilingual call taker who is available to take over the call, or should contact Language Line by clicking on a designated button. The Communications Manual describes the procedures for communicating with Language Line, and also states that if a callback by an officer is necessary, the call taker should ask the caller to have an English-speaking friend present to interpret for the officer.

The TPD's written plan for providing services to LEP individuals, entitled "Tucson Police Department Limited English Proficiency Plan" (June 2008) (LEP Plan), also contains a brief section on communicating with LEP callers. The LEP Plan states that if an LEP individual contacts the Communications Section and a bilingual call taker is not available, the call taker should contact Language Line in accordance with the Communications Manual.

Based on the OCR's interviews with Communications Section command staff and call takers, the OCR understands that if a call taker receives a call from a Spanish-speaking caller, the call taker will first determine if there is a Spanish-speaking call taker available to take the call. If a Spanish-speaking call taker is not available or if the caller speaks a language other than Spanish, the call taker will contact Language Line. The call takers stated that if the situation is an emergency, the call taker will immediately dispatch an officer to the scene prior to contacting Language Line. The call takers with whom the OCR spoke also reported using family members or friends of the LEP caller to provide interpretation, especially if the caller is very emotional.

If a police response is needed, the call taker will generate a CAD report and forward the report to a dispatcher. The call takers and dispatchers with whom the OCR spoke said that call takers will note in the narrative section of the CAD report if a caller is LEP, and that dispatchers will attempt to send a bilingual officer to the scene.

2. Field Encounters and Walk-Ins

In the TPD's LEP Plan, the TPD states that the TPD has bilingual staff throughout the agency who are available to provide interpretation, and that the TPD also has contracts for oral and written language assistance services. The LEP Plan notes that if field and investigative personnel require an interpreter, the TPD's CAD system has information on available translation² services. The TPD provided the OCR with a document from its CAD system entitled "CAD Information on Translators;" this document lists the name and phone number of numerous individuals and community organizations with whom the City of Tucson contracts to provide interpretation in a variety of languages, and also provides instructions for contacting Language Line. During the OCR's onsite visit, TPD command staff explained that when officers in the field encounter an individual who is LEP, the officers initially attempt to locate an appropriate bilingual officer by broadcasting a request over the radio. The command staff told the OCR that when officers log into the CAD system at the beginning of their shift there is a field where officers indicate if they are bilingual, and that officers can note the specific language spoken in the narrative section. According to the command staff, the Communications Section dispatchers and all TPD sergeants have access to this information. The command staff said that if officers are unable to locate a bilingual officer to provide interpretation in the field, they will attempt to find a bilingual secretary at a substation who can provide interpretation over the phone, will contact Language Line, or infrequently will contact one of the contract interpreters listed in the CAD system. To contact Language Line, officers can use their own cell phone in the field or can call a sergeant and request to be transferred to Language Line. The command staff also stated that officers carry language identification cards with them in the field to identify the language spoken by an LEP individual.

During the OCR's onsite interviews, the patrol officers with whom the OCR spoke said that if they encounter an LEP person in the field, including a juvenile or a juvenile's family member, they locate a bilingual officer to provide interpretation, rely on friends or family members to interpret, or contact Language Line for assistance. The officers told the OCR that if they are aware of a particular officer who speaks the needed language, they contact that officer directly over the phone; otherwise, the officers use the radio to request assistance from any officer who speaks the needed language or to request that dispatch locate an appropriate bilingual officer. As noted above, the Communications Section dispatchers have access to information regarding which officers on duty are bilingual. Several officers with whom the OCR spoke also reported using Language Line to communicate with LEP individuals in the field, and provided examples

² Please note that the term "translation" refers to written language assistance services, while the term "interpretation" is used to refer to oral language assistance services.

of situations where they used Language Line to communicate with individuals who spoke Russian, Somali, Vietnamese, Spanish, and an African dialect. The officers said that if they use a bilingual employee or Language Line to communicate with an LEP individual they will note that in an incident report, and that a bilingual employee providing interpretation sometimes will attach a supplemental statement to the report.

According to the officers and civilian employees interviewed by the OCR, if an LEP individual walks into a substation or calls a substation for assistance, the TPD will communicate using a bilingual officer or secretary at the front desk or will attempt to locate a bilingual officer at the station. If a bilingual employee is not available at the station to communicate directly with the LEP individual or to provide interpretation, employees will contact Language Line for assistance. At the time of the OCR's onsite visits of the Operations Division Downtown station and the Operations Division South substation, two of the three front desk officers at the Operations Division Downtown station spoke Spanish, and the secretary at the Operations Division South substation spoke Spanish.

Regarding the use of family members, friends, or bystanders to interpret, the TPD stated in its data response that TPD employees rely on informal interpreters in emergency situations or in minor encounters such as traffic collisions, but would not use a third-party to provide interpretation in critical matters or situations necessitating a formal statement from an LEP individual. During the OCR's onsite visit, many of the officers whom the OCR interviewed confirmed using family members, including older children, or friends or bystanders to interpret in minor situations, such as non-criminal incidents or requests for information. The employees identified several situations where they would not use a friend, family member, or bystander to interpret, such as if the situation involved a serious crime, an assault, or domestic violence. One officer told the OCR that he would never use a family member or friend to provide interpretation, as he would not know whether the individual was being truthful. Another officer discussed a situation where the officer used hand gestures to communicate with an LEP individual to explain that the individual's brake light was not working.

3. Interviews and Interrogations

As noted above, the TPD's LEP Plan states that if investigative personnel require an interpreter, the TPD's CAD system has information on available language assistance services. The TPD's General Order 2140, entitled "Interviews and Interrogations," does not specifically address conducting interviews or interrogations of LEP individuals. According to the TPD's data response, the TPD only uses certified or trained interpreters when taking formal statements from suspects, victims, and witnesses.

During the OCR's onsite visit, command staff from the TPD's Investigative Services Bureau (ISB) said that approximately 25% of the ISB's interviews or interrogations involve an LEP individual, with the majority of LEP individuals speaking Spanish. The command staff recalled

encountering LEP individuals who spoke Russian and an Asian language on a few rare occasions. According to command staff, to communicate with LEP individuals who speak Spanish, ISB detectives primarily rely upon Spanish-speaking ISB detectives participating in the TPD's Certified Bilingual Commissioned Officer Program. The command staff said that if a certified bilingual detective is not available, detectives will rely upon a certified patrol officer, or may use a bilingual detective participating in the Second Language Pay Program if the LEP individual's involvement in the criminal activity is limited. The command staff stated that the ISB has used a contract interpreter through the U.S. Drug Enforcement Administration to interview or interrogate LEP individuals in connection with drug cases, and that the ISB may have used a contract interpreter in connection with a non-drug related case on one occasion many years ago. The command staff recalled using a Russian-speaking detective from the University of Arizona Police Department on one occasion to interview a Russian-speaking individual.

In its data response, the TPD provided the OCR with a copy of a pocket-sized card listing the Miranda Warnings in English and Spanish that the TPD supplies to all officers and detectives. As for interrogations or arrests of juveniles, the command staff said that detectives rely upon bilingual detectives and officers to notify an LEP family member that the ISB has taken a juvenile into custody. The TPD General Order 2120, entitled "Juvenile Arrests," states that a juvenile's family member may be present during an interview of a juvenile unless the parent is also a suspect or is interfering with the investigation. However, the ISB command staff with whom the OCR spoke said that they have not encountered many situations where a family member requested to be present. The command staff did recall a situation where ISB detectives were interviewing a juvenile in the field regarding a shoplifting case and the detectives used a bilingual officer to interpret for an LEP family member who was present.

4. Arrests and Detention

In the TPD's data response, the TPD stated that officers may rely upon any of the available language assistance services when arresting an LEP individual, including a juvenile. These available measures include bilingual officers, Language Line, or contract interpreters. The officers with whom the OCR spoke reported using a bilingual officer to interpret during an arrest of an LEP individual; it does not appear that any of these officers have utilized Language Line or a contract interpreter to provide language assistance during an arrest. As discussed above, TPD officers carry a card listing the Miranda Warnings in English and Spanish. Once an officer arrests an adult or a juvenile suspected of committing certain offenses the officer transports the offender to the Pima County Jail; the TPD has a contract with the Pima County Jail, which is operated by the Pima County Sheriff's Department, for booking and detention services.

According to the TPD's data response, if the TPD must hold an arrestee for a temporary period for investigative purposes, the TPD has temporary detention rooms at each substation. Pursuant to TPD General Order 2180, "Temporary Detention," all detentions longer than two hours require supervisor approval, and juvenile arrestees cannot be detained in a detention cell for longer than

six hours. When an officer temporarily detains an individual at a TPD substation, the officer is required to log the individual on a Juvenile Detention Log or Adult Detention Log, listing relevant information such as the date, time in and out, the charges, and the detainee's name, date of birth, and sex. The TPD said in its data response that it relies on bilingual officers, Language Line, or contract interpreters to communicate with LEP individuals temporarily detained at a TPD facility.

The arrest of a juvenile is governed by the above-referenced TPD General Order 2120, "Juvenile Arrests." Once an officer arrests a juvenile, the officer has various options for placement of the juvenile, taking into account the gravity of the offense and the age of the offender. For minor offenses, an officer has the option of choosing a "parental referral," whereby the officer turns the juvenile over to the juvenile's family for discipline and does not refer the juvenile to the Pima County Juvenile Court Center (PCJCC). During the OCR's onsite visit, TPD command staff and officers told the OCR that officers make a parental referral for minor offenses such as status offenses, joy riding, and running away from home. According to General Order 2120 and the officers with whom the OCR spoke, an officer may also choose to transport a juvenile arrested for a status offense to the Center for Juvenile Alternatives, which is a non-secure facility that provides crisis intervention, assessment, referral and outreach services.

If an officer determines that PCJCC adjudication is required, the officer may transport the juvenile to the PCJCC for booking and intake, or may pursue a less restrictive alternative for certain offenses. One alternative is a "paper referral," which involves the officer releasing the juvenile to the juvenile's family and requiring the juvenile's family to sign a document entitled "Parent's Promise to Appear" stating that the juvenile and the juvenile's family will appear at the PCJCC on a designated date. This option is appropriate if the officer believes that familial custody will be sufficient to ensure the proper control of the juvenile pending PCJCC action. The TPD officers and command staff with whom the OCR spoke said that officers make a paper referral for non-violent crimes such as shoplifting, criminal property damage, or marijuana use. The OCR understands that the "Parent's Promise to Appear" is a PCJCC form, and is available in both English and Spanish. For juveniles arrested for a non-violence related domestic violence offense, an officer may transport the juvenile to the Domestic Violence Alternative Center, which provides appropriate treatment and services.

Pursuant to General Order 2120, juveniles arrested for the following offenses must be transported to the PCJCC for booking and intake: the juvenile is an escapee from the PCJCC or has an outstanding warrant; the juvenile is under the age of 15 and is charged with murder, manslaughter, kidnapping, sexual assault, arson, armed robbery, or aggravated assault; the juvenile is charged with a delinquent offense and there is no less restrictive alternative that will reduce the risk of serious harm to the juvenile or others; or the juvenile is charged with a serious property crime or a violent crime not listed above and certain circumstances exist. Juveniles aged 15 or older who are charged with murder, manslaughter, kidnapping, sexual assault, arson, armed robbery, or aggravated assault are booked at the Pima County Jail. The officers with

whom the OCR spoke said that if a juvenile is LEP, the officer will verbally relay this to the deputies at the PCJCC or the Pima County Jail.

During the OCR's onsite visit, officers told the OCR that they are almost always able to reach a family member of a juvenile to notify the family member of the juvenile's arrest, either by calling the family member on the phone or driving to the family member's home. The officers said that if the family member is LEP, the officer will use a bilingual officer or Language Line to communicate with the LEP family member. However, during the OCR's discussions with community organizations serving LEP populations, one community representative expressed concern that officers are not obtaining an interpreter to communicate with LEP family members at the time of a juvenile's arrest and are unable to explain to a family member where the juvenile is being transported and what will happen next. The community representative provided an example of a situation where a monolingual TPD officer arrested a juvenile at the juvenile's home and did not obtain an interpreter to communicate with the juvenile's Spanish-speaking family member, and the monolingual officer was unable to explain to the family member where the juvenile was being transported. The family member did not discover where the juvenile was being detained until the family member received a call from a Spanish-speaking employee at the PCJCC.

5. Complaints

The TPD's Office of Internal Affairs (OIA) is responsible for investigating complaints alleging police misconduct. The procedures for receiving and investigating such complaints are set forth in the OIA's General Operations Manual, Section 200, and TPD General Order 3100, entitled "Internal Affairs Policies." These documents do not address the processing of complaints from LEP individuals. Additionally, the TPD's LEP Plan does not specifically address the provision of language assistance services to LEP complainants.

Based on the OIA's General Operations Manual and TPD General Order 3100, along with information gathered during the OCR's onsite visit, the OCR understands that members of the public can complain of alleged police misconduct in writing, over the telephone, over the internet, in person at the OIA, or in person to a supervisor at any TPD facility. The TPD does not have a written complaint form for complainants to complete. An OIA detective or TPD supervisor speaks to the complainant regarding the complainant's allegations and completes a Citizen's Complaint Form, which the complainant must review and sign. This form is only available in English. The form contains a section entitled "False Information Warning" which notifies complainants that the TPD will pursue criminal prosecution in accordance with Arizona law in all instances where an individual files a false complaint.³ The OIA sends complainants a

³ Please note that the IACP National Law Enforcement Policy Center advises law enforcement agencies that it is not a good general practice to inform complainants of the penalties for filing a false complaint, as it creates a chilling effect on the filing of complaints and could be perceived as an attempt to intimidate potential complainants. Additionally, a law enforcement agency's failure to fully document all complaints from the public can create a

letter acknowledging receipt of a complaint, which also contains a False Information Warning. The OIA has sent this acknowledgement letter in English and in Spanish. At the end of an OIA investigation, either the OIA or the Chief of Police sends the complainant a letter notifying the complainant of the outcome of the investigation; the OIA detectives told the OCR that the TPD has only sent this letter in English.

During the OCR's onsite visit, OIA detectives told the OCR that the TPD relies upon bilingual TPD detectives and patrol officers or Language Line to communicate with LEP complainants. At the time of the OCR's visit, the OIA did not have any bilingual detectives assigned to the OIA. However, the detectives with whom the OCR spoke said that the OIA previously employed a Spanish-speaking detective, although the detectives did not know if this employee participated in either the Second Language Pay Program or the Certified Bilingual Commissioned Officer Program. Additionally, the detectives recalled one situation where the OIA utilized a contract interpreter to communicate with a Chinese-speaking complainant, and one situation where a Sudanese-speaking complainant brought her husband with her to provide interpretation.

In lieu of filing a complaint directly with the TPD, citizens may file a complaint with the Independent Police Auditor (IPA), an independent city agency. The IPA then forwards the complaint to the OIA for investigation, and it also monitors all of the OIA's investigations. If a complainant is not satisfied with the OIA's determination, the complainant may request a review by the IPA. In response to the OCR's draft Compliance Review Report, the TPD explained that the IPA has several Spanish-speaking employees who can communicate with Spanish-speaking LEP complainants, and that in the event an LEP complainant speaks a language other than Spanish, the IPA utilizes one of the City of Tucson's contract interpreters to communicate. The City of Tucson's website for the IPA, <http://cms3.tucsonaz.gov>, contains information in Spanish on the IPA, including a complaint form that has been translated into Spanish. A complainant who is not satisfied with an OIA investigation may also contact the City's Citizen Police Advisory Board, comprised of members appointed by the Mayor and the City Council. The Citizen Police Advisory Board reviews completed OIA investigations and provides non-binding recommendations to the OIA. The Citizen Police Advisory Board also holds monthly meetings that citizens may attend to express any concerns concerning OIA investigations; the OIA detectives told the OCR that they have not seen an interpreter present at the meetings that they have attended.

The OCR understands that if an LEP individual believes that a City of Tucson agency such as the TPD has not provided meaningful access to its programs and services, the individual can contact the City's Office of Equal Opportunity Programs (OEOP). The OEOP is responsible for implementing anti-discrimination laws for the City of Tucson, including ensuring that LEP

individuals are afforded meaningful access to all federally-assisted City programs and services in accordance with Title VI.

As an alternative to an official OIA investigation, certain types of complaints are eligible for the TPD's Complaint Mediation Program, which is a voluntary program operated by the TPD, the IPA, and OUR TOWN Family Center, a behavioral health provider. The types of complaints which are eligible for the mediation program include those pertaining to customer service, rudeness, attitude, or demeanor. If the complainant and the TPD agree to participate in mediation, OUR TOWN Family Center appoints a mediator to facilitate a face-to-face meeting between the complainant and the TPD. During the OCR's onsite visit, OIA detectives said that OUR TOWN Family Center has Spanish-speaking interpreters to communicate with Spanish-speaking complainants. The TPD's website, <http://tpdinternet.tucsonaz.gov>, contains information on the Complaint Mediation Program in both English and Spanish. The TPD also provided the OCR with a TPD brochure on the Complaint Mediation Program which contains information in English and Spanish.

In its data response, the TPD said that prior to February 10, 2010, the OIA's complaint tracking system did not contain information which would allow it to identify the nature of a complaint and whether it contained an allegation that the TPD had difficulty communicating with an LEP individual. The TPD indicated that as of February 10, the OIA added a complaint allegation category to its electronic Administrative Investigations Management System which allows users to identify a complaint as "[f]ailure to provide non-English language services." During the OCR's onsite visit, the OIA detectives told the OCR that the OIA received a complaint on March 25, 2010, where a Sudanese individual who spoke English with an accent alleged that due to her accent the officer investigating a traffic accident spent more time speaking with the other individual involved in the accident. The OIA investigated the complaint and found the allegations to be unfounded. The OIA detectives also recalled a complaint that the OIA received in April 2007 which pertained to an incident where a patrol officer requested an interpreter to communicate with a Chinese-speaking individual and the officer's sergeant said that an interpreter was not necessary. The OIA found that the individual should have been provided with an interpreter, and the OIA detectives recalled that the sergeant was reprimanded. The OIA detectives told the OCR that the OIA utilized one of the City of Tucson's contract interpreters to communicate with the Chinese-speaking complainant.

6. Community Outreach

The TPD reaches out to LEP populations by having Spanish-speaking officers present at community meetings, by working with media outlets that serve LEP populations, and by distributing flyers translated into Spanish regarding upcoming meetings and events. The TPD's Public Information Office (PIO) is responsible for issuing press releases regarding TPD services and activities, providing interviews to radio, television, and print media, and responding to media requests. The media releases issued by the PIO contain a caption notifying individuals to contact

the PIO at least five business days in advance of an event to request foreign language interpreters or materials in languages other than English; during the OCR's onsite visit, PIO command staff told the OCR that the five-day notification period is not absolute. At the time of the OCR's onsite visit, this caption was always printed in English. However, subsequent to the OCR's onsite visit, the TPD expanded the caption to include the information in Spanish as well.

At the time of the OCR's onsite visit, there were four officers assigned to the PIO, two of whom spoke Spanish. The command staff was aware that at least one of these bilingual officers was certified through the Certified Bilingual Commissioned Officer Program. The command staff told the OCR that if an individual contacts the PIO to request an interpreter at an upcoming meeting or event, the PIO will typically relay this request to the appropriate TPD unit or division who is sponsoring the meeting, and that the unit or division will ensure that a bilingual officer or other interpreter is present. However, the command staff said that the PIO also sends its Spanish-speaking officers to community events where it believes that Spanish-speaking individuals will be present, and as an example indicated that the PIO was planning to send a Spanish-speaking officer from the PIO to an upcoming rally against an immigration bill. The command staff also told the OCR that the Spanish-speaking PIO officers communicate with media outlets that serve Spanish-speaking communities, such as the television stations *Univision* and *Telemundo* and the newspaper *LaRaza*.

The TPD participates in two sites within the City of Tucson funded by the DOJ's Weed and Seed program; the Operations Division West substation participates in the Westside Coalition Weed and Seed, and the Operations Division Midtown substation participates in the 29th Street Weed and Seed. In the TPD's data response, the TPD said that it conducts and attends numerous community events and meetings in connection with these sites, and that Spanish-speaking TPD officers and residents provide interpretation as needed. The TPD also said that it distributes flyers associated with these sites in both English and Spanish to neighborhood centers, schools, apartment complexes, and community residents, and provided the OCR with copies of various flyers translated into Spanish. The TPD also said that officers from the TPD's Traffic Division teach classes at the Tucson Medical Center on the proper use of car seats, and that Spanish-speaking TPD officers conduct the classes in Spanish as necessary. Additionally, the TPD indicated that officers from its Gang Outreach Unit attend school and parent meetings and give presentations in both English and Spanish, using Spanish-speaking officers from the Unit to present the information in Spanish. During the OCR's onsite visit, the command staff from the Operations Division South substation indicated that Spanish-speaking officers frequently attend neighborhood meetings to provide interpretation or communicate directly with Spanish-speaking attendees.

During the OCR's discussions with community representatives serving LEP populations, one representative recommended that the TPD meet with community organizations and with LEP parents to provide information on the mission and operations of the TPD and the criminal justice system, which would allow LEP individuals to be more engaged in the community. Another

representative expressed concern that the TPD does not always provide language assistance services during encounters with LEP individuals, and provided an example of a Somali-speaking individual who was stopped by a TPD officer and was not provided an interpreter. This representative stated that when Somali-speaking individuals receive citations from the TPD, they often contact the community organization for assistance in understanding the citation. The representative further expressed concern that Language Line may not have interpreters for some local Somali dialects.

7. General Language Services

To provide the foregoing public services to its LEP population, the TPD offers both oral and written language assistance. As discussed previously in this Compliance Review Report, the TPD's current LEP Plan notifies employees that the TPD has bilingual staff throughout the agency who are available to provide interpretation and that the TPD also has contracts for oral and written language assistance services. The TPD also has a general order addressing the provision of language assistance, TPD General Order 2201, "Limited English Proficiency (LEP)." General Order 2201 states that pursuant to federal law, the TPD is required to take reasonable actions to provide competent language assistance services to LEP individuals, including adults, juveniles, and juveniles' parents or guardians. General Order 2201 notifies employees that the TPD's LEP Plan is available on the TPD's intranet and internet sites, and that the employees should use the TPD-issued Language Identification Flashcards to determine what language an individual speaks. Additionally, the City of Tucson has written procedures for providing services to LEP individuals, contained in Administrative Directive No. 2.05-9, "Services for Language Access Policy for Limited English Proficiency (LEP)" (July 14, 2008). This Directive states that the City's OEOP is responsible for providing guidance and assistance to all City departments on compliance with Title VI, and that each agency should develop its own written procedures on ensuring meaningful access to LEP individuals and should appoint an LEP liaison. The OCR understands that at the time of the OCR's onsite visit, the TPD's LEP liaison and coordinator of the TPD's services to LEP individuals was Lieutenant Elise Souter.

a. Oral Language Services

The TPD command staff, patrol officers, and civilian employees with whom OCR spoke identified four primary ways in which the TPD provides oral language assistance to LEP individuals: (1) through Language Line; (2) through bilingual TPD employees; (3) through interpreters contracting with the City of Tucson; and (4) through friends or family members of LEP individuals or third-party bystanders.

As previously noted in this Compliance Review Report, the TPD uses the telephonic interpreter Language Line to respond to telephone calls from LEP persons, and TPD officers in the field may also use this service during face-to-face encounters. All of the patrol and front desk officers with whom the OCR spoke were familiar with Language Line, and several officers reported using

Language Line to provide interpretation in various languages including Vietnamese, Russian, Somali, Spanish, and an African dialect.

For non-telephonic encounters with LEP persons, TPD officers generally obtain language assistance services from a bilingual employee with the appropriate language skills, either by calling the bilingual employee directly or contacting dispatch. The TPD offers language skills assessment and additional compensation to bilingual employees under two programs, the Second Language Pay Program (SLP) and the Certified Bilingual Commissioned Officer Program (CBCOP). The SLP, which is administered by the City of Tucson's Human Resources Department and governed by TPD General Order 4033 and City of Tucson Administrative Directive 2.01-1D, "Second Language Pay" (July 1, 2007), is open to sworn and non-sworn City employees. To qualify for the SLP, employees must use a second language in at least five percent of their work week while interacting with the public, or must occupy a position specifically designated for second language skills. In the TPD's data response and during the OCR's onsite visit, the TPD explained that a bilingual employee from the City's Human Resources Department conducts a brief oral assessment of an applicant's conversational proficiency in the foreign language and rates the applicant as either pass or fail. The TPD told the OCR that the SLP is open to individuals who speak any foreign language, and that if the Human Resources Department did not have an appropriate bilingual officer to conduct the assessment the Department would locate an external interpreter. Successful applicants receive an additional \$30.00 per pay period.

The CBCOP involves a more stringent assessment of an applicant's language skills and is only open to sworn TPD officers. The CBCOP is governed by TPD General Order 4034 and the TPD's "Certified Bilingual Commissioned Officer Program Guidelines and Procedures," and compensates officers who demonstrate fluency in Spanish an additional \$75.00 per pay period. During the OCR's onsite visit, TPD command staff explained that the TPD previously contracted with Pima Community College to conduct a written and oral assessment of an applicant's language skills. However, in 2009, the TPD started using a panel of three Spanish-speaking TPD officers to conduct the oral assessment; two of these officers were previously certified by Pima Community College, and the third officer is a native Spanish speaker. Only those applicants who demonstrate fluency in speaking, comprehension, and reading of Spanish necessary to converse at a technical level pass the exams.

In the TPD's data response, the TPD provided a list of all sworn and civilian employees, noting which employees are participating in the SLP or the CBCOP. At the time of the TPD's February 24, 2010, data response, the TPD was employing 1,010 sworn officers and 341 civilian employees, for a total of 1,351 employees. Of these employees, 56 Spanish-speaking sworn officers were participating in the CBCOP. The SLP included 40 sworn officers who speak Spanish, 38 civilian employees who speak Spanish, one sworn officer who speaks German, and one sworn officer who speaks Cantonese. During the OCR's onsite visit, TPD command staff said that there are lists of employees participating in the CBCOP and the SLP on the TPD's

computer system. However, during the OCR's interviews with patrol and front desk officers, none of the officers appeared to be aware of these lists. As discussed previously in this Compliance Review Report, when officers log into the CAD system at the beginning of their shift there is a field where officers can note if they are bilingual, and can specify the foreign language spoken in a narrative section. However, it does not appear that officers indicate whether they are participating in the CBCOP or the SLP.

According to the TPD's data response, employees participating in the SLP and the CBCOP are officially authorized by the TPD to serve as interpreters. During the OCR's interviews with patrol officers, several officers stated that they speak Spanish and provide interpretation for the TPD but are not participating in either the CBCOP or the SLP. The TPD command staff told the OCR that employees participating in the CBCOP or the SLP do not generally translate written documents, although civilian employees participating in the SLP have translated a few forms for the TPD.

The TPD said in its data response that it does not generally take language skills into account when making hiring or promotional decisions. However, the TPD stated that there are certain assignments, such as assignment to the Gang Outreach Unit or to an undercover position, where language skills are an asset and bilingual individuals receive additional points during the selection process. The majority of bilingual employees with whom the OCR spoke said that providing language assistance does not interfere with their ability to complete their own assignments. However, one officer noted that there have been several occasions where the officer had to travel to the other end of the city to provide language assistance. As for recruiting bilingual officers, TPD command staff told the OCR that the TPD employs Spanish-speaking employees in its recruiting unit and that they conduct recruiting activities at high schools, job fairs, and air force bases and attempt to recruit individuals who are reflective of the community.

According to the TPD's data response, employees may also use contract interpreters to provide language assistance, and the TPD noted that its CAD system has information on individuals and organizations with whom the City of Tucson contracts for interpretation services. During the OCR's onsite visit, command staff from the ISB and the OIA each recalled using an in-person contract interpreter to provide interpretation on one occasion. However, none of the patrol officers with whom the OCR spoke reported ever using an in-person contract interpreter.

Regarding the use of family members, friends, and bystanders to interpret, as explained in Section I.C.2 of this Compliance Review Report, the TPD employees reported using these individuals to interpret in minor situations, such as non-criminal incidents and requests for information. The employees named several types of situations where they would not feel comfortable relying on family members, friends, or bystanders, such as if the situation involved a serious crime, an assault, or domestic violence.

Based on the information contained in the TPD's data response and the information that the OCR gathered during our onsite visit, the OCR understands that the TPD informs its employees of its policies regarding the provision of language assistance in various ways. All TPD employees initially receive orientation training from the City of Tucson's OEOP, and this orientation training contains a brief segment on the provision of services to LEP individuals. Beginning in 2009, the OEOP added a one-hour course solely for TPD sworn officers that covers Title VI and Executive Order 13166, "Improving Access to Services for People with Limited English Proficiency." All TPD employees receive copies of the TPD general orders pertaining to language assistance services, and in March 2010 the TPD distributed a copy of the TPD's LEP Plan to all employees. In April 2010, all employees were required to complete an on-line training course on the provision of assistance to LEP individuals, which discussed Title VI, the relevant TPD general orders, and the various language assistance services that are available to employees and how to access these services. The OCR understands that this on-line training course will now be mandatory for all new TPD employees.

The TPD also explained that officers complete a course on Interpersonal Communications during the police academy, which covers how to effectively communicate with LEP individuals. The officers with whom the OCR spoke recalled receiving information regarding Language Line during the police academy. Sworn officers also participate in the courses "Basic Spanish for Law Enforcement" and "Advanced Officer Training in Spanish" during the police academy and post-basic training, where they learn essential law enforcement words and phrases in Spanish. Additionally, the OCR understands that the TPD previously provided officers with the opportunity to participate in a Spanish immersion program, but that the TPD no longer offers this program.

b. Written Language Services

In its data response, the TPD stated that it determines what documents to translate into languages other than English by conducting an assessment consistent with the four-factor analysis contained in the DOJ Guidance. Specifically, the TPD analyzes the number of LEP persons that would utilize the material, the frequency with which LEP individuals would come into contact with the material, the nature and importance of the material, and the resources available to translate the materials. The TPD said that based on the large Hispanic and Latino population in the City of Tucson, much of the TPD's written materials have been translated into Spanish.

The TPD provided the OCR with copies of the following documents that have been translated into Spanish: an authorization for the publication of a photograph of a minor; a blood draw/urine sample report; a case priority card; a consent to search form; a DUI report; an impound notice; a junked motor vehicle notice; a mandatory fingerprint compliance form; a notice of unruly gathering; a notification of impending arrest; a pawn slip; a public records request for copies of reports and authorization for release of information; a runaway juvenile/missing person follow-up form; a stolen vehicle agreement; a weapons order of protection destruction notification; and a

community survey disseminated by the Operations Division West. The TPD also provided the OCR with a consular notification form translated into Arabic, Chinese, Farsi, French, German, Italian, Japanese, Korean, Polish, Portuguese, Russian, Spanish, and Vietnamese, and with pamphlets regarding the Victim Information and Notification Everyday (VINE) system, the complaint mediation program, and safe sleeping for babies that contain information translated into Spanish. Additionally, as discussed in Section I.C.3 of this Compliance Review Report, the TPD supplies its officers with cards containing the Miranda Warnings in English and Spanish. The TPD also provided the OCR with Language Identification Flashcards that allow an LEP individual to point to the language that the individual speaks; based on the information gathered during our onsite visit, the OCR understands that the TPD maintains these flashcards at TPD facilities and that officers carry the flashcards with them in the field.

The TPD said in its data response that the TPD used a contractor from the City of Tucson's qualified vendor list to translate the above-referenced documents, and that translated forms and brochures are available at TPD facilities. The TPD also provided the OCR with flyers regarding upcoming community events that have been translated into Spanish; TPD command staff told the OCR that bilingual TPD employees are responsible for translating these flyers. During the OCR's onsite visit to the Operations Division Downtown and Operations Division South facilities, the OCR observed several forms and pamphlets in Spanish available to the public. Specifically, at the Operations Division Downtown station, the OCR observed a pamphlet on identify theft, and at the Operations Division South substation, the OCR observed a stolen vehicle report form, a VINE card, an identity theft guide, a consumer guide on funerals, a leaflet from the Federal Trade Commission containing tips for consumers, and a flyer on services for homeless individuals. Several officers with whom the OCR spoke reported carrying documents that had been translated into Spanish with them in the field to distribute to the community, such as a card with the Miranda Rights warnings, the VINE card, impound forms, a consent to search form, and a stolen vehicle agreement form. Additionally, the officers told the OCR that they carry the Language Identification Flashcards with them in the field.

One community group representative with whom the OCR spoke commended the TPD for having numerous translated materials available for the public. However, the representative expressed concern that translated documents are not helpful to LEP individuals who are illiterate, and stated that the TPD needs to provide an interpreter to explain the content of the document in such instances.

As for signage, the TPD has signage in Spanish at Operations Division Downtown, Operations Division Midtown, and Operations Division East. This signage provides instructions for LEP individuals on completing necessary forms, directs LEP individuals to customer service areas such as the records section and public fingerprinting, warns LEP individuals of prohibited areas, and provides information a non-citizen's right to have the TPD notify a consular official in the event of an arrest. None of the TPD's facilities contain any signage notifying the public that free language assistance services are available.

The TPD's website, www.tpdinternet.tucsonaz.gov, is mostly in English but does contain several forms and information in Spanish. Specifically, the website allows a user to complete a Spanish version of an online crime reporting form and a records request form, and to access translated information on the OIA's complaint mediation program.

Recommendations for the TPD

The OCR would like to commend the TPD for the steps that it has taken to provide services to LEP individuals, including developing and disseminating a written plan on providing services to LEP individuals, testing and authorizing bilingual employees to serve as interpreters, translating numerous TPD documents into Spanish, and conducting community outreach with Spanish-speaking populations. However, the TPD should build on these steps to provide more effective language assistance to LEP individuals. As an initial matter, the TPD should carefully review its current LEP Plan to ensure that it contains the most current information regarding the TPD's policies and procedures for ensuring meaningful access to LEP individuals to the TPD's services and programs. The TPD should also modify and expand its LEP Plan as necessary to ensure that it is consistent with the DOJ Guidance and with the guidance contained in this Compliance Review Report. For example, the TPD should ensure that the LEP Plan specifically addresses how TPD employees should provide services to LEP individuals in a variety of specific encounters, such as telephone calls, field and walk-in encounters, interrogations and interviews, and complaint processing.

The LEP Plan should continue to advise employees to obtain language assistance services from qualified bilingual employees authorized to interpret, Language Line, or other contracted providers. However, for critical encounters such as interviews, interrogations, and arrests, the LEP Plan should instruct employees to only rely upon bilingual officers participating in the CBCOP or qualified contract interpreters. The LEP Plan should specifically note that employees should use family members, friends, or bystanders to interpret only in unforeseen, emergency circumstances while awaiting a qualified interpreter.⁴ Section II of this Compliance Review Report contains additional information on what elements should be contained in an effective language assistance plan, along with a link to several plans that other law enforcement agencies have successfully developed.

Once the TPD has revised and finalized its LEP Plan, it should immediately train all employees on the plan to ensure that all employees are aware of the proper procedures for providing language assistance services. Following this initial training, the TPD should establish annual training sessions focused specifically on providing language assistance services to LEP individuals. Such training sessions may be face-to-face, or may be similar to the TPD's April 2010 on-line training course on language assistance services. As part of its training program, the

⁴The TPD should also ensure that the information contained in its Communications Manual is consistent with this guidance, and that call takers are not requiring LEP individuals to have English-speaking friends or family members present to provide interpretation in non-emergency situations.

TPD may wish to show the enclosed training DVD *Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice*. Other law enforcement agencies have found this DVD particularly helpful in training employees on how to provide services effectively to LEP populations. Additionally, please also find enclosed a CD-ROM, entitled *Espanol for Law Enforcement*, which is an interactive training tool that covers basic Spanish phrases and sentences relative to law enforcement. The TPD may want to use this CD-ROM to enhance its existing language courses. This CD-ROM may be duplicated; alternatively, additional copies may be requested from the Department of Justice by contacting the National Institute of Justice at (800) 851-3420 or by visiting the following website: <http://www.ojp.usdoj.gov/nij/pubs-sum/201801.htm>.

The TPD is currently taking positive steps to recruit employees and to ensure that its language assistance services are accurate and reliable by offering bilingual employees the opportunity to participate in the SLP or the CBCOP. As of February 2010, 134 Spanish-speaking employees were authorized to interpret under the SLP or the CBCOP, representing 9.9% of the TPD's 1,351 employees. Given this relatively small number and the size the City of Tucson's Spanish-speaking LEP population, the TPD should increase its efforts to recruit more Spanish-speaking officers. Additionally, as of February 2010, the TPD only had two bilingual officers under the SLP who spoke a language other than Spanish. The TPD should take active steps to recruit bilingual officers and civilian employees who speak other foreign languages that the TPD reports encountering, such as Somali, Sundanese, Russian, Vietnamese, and Chinese Mandarin. The OCR also recommends that the TPD expand the languages that are eligible for the CBCOP to include other languages encountered by the TPD.

While TPD command staff told the OCR that the TPD has posted lists of bilingual employees participating in the SLP and the CBCOP on its shared drive, the officers with whom the OCR spoke were not aware of any lists. The TPD should compile a list of all employees participating in the SLP or the CBCOP, listing each employee's contact information, the language spoken, and whether the employee is participating in the SLP or is certified under the CBCOP. The TPD should ensure that this list is constantly updated and is made available to all TPD employees, including dispatchers with the Communications Section.

In regard to written materials, while the TPD has translated numerous documents into Spanish, the TPD should take additional steps to ensure compliance with Title VI. 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 TPD 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 2009 Census data, it appears that the Spanish-speaking LEP population of the City of Tucson 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 TPD should take steps to translate all of its vital documents into the languages that meet this threshold, such as any documents relating to a citizen’s rights or the provision of consent.

The TPD’s continued use of professional contractors from the City’s qualified vendor list to translate documents is a good way to ensure the accuracy of translated materials. If the TPD utilizes bilingual employees to translate any written materials, such as community flyers, it should 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 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 TPD 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 TPD translates the vital documents and ensures their accuracy, it should then develop a strategy for distributing the materials to the relevant LEP communities. The TPD should also post signage in the primary languages of its largest LEP populations in the lobbies of its police stations and other places of public contact stating that on request, free language services are available. The TPD should also take steps to ensure that important information regarding TPD services available in English on the TPD’s website is also available in Spanish.

Regarding community outreach, the TPD is already taking steps to build relationships with LEP communities, such as by having Spanish-speaking officers with the PIO work with Spanish-language media, having Spanish-speaking officers attend community meetings, and distributing flyers translated into Spanish on upcoming meetings and events. To ensure that its outreach efforts are effective, the TPD should establish 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. Given the growing Somali-speaking population within the City of Tucson,

the OCR strongly recommends that the TPD conduct outreach to organizations serving Somali individuals. The TPD should continue to work with ethnic media outlets to relay public safety information to the public, and should use these outlets to publicize community meetings and to inform LEP persons of the availability of free language assistance services and other important resources.

D. Available Resources

The TPD's fiscal year is from July 1 to June 30. According to the TPD's data response, the TPD budgeted a total of \$170,666,650.00 for operational expenses in fiscal year 2008, and spent \$54,202.15 of that on language assistance services, which represents the amount that the TPD spent on Language Line.⁵ In fiscal year 2009, the TPD budgeted a total of \$166,468,950.00 for operational expenses, and spent \$44,227.60 of that on language assistance services related to Language Line. For fiscal year 2010, the TPD budgeted a total of \$159,653,480.00 for operational expenses, and budgeted \$45,000.00 for language assistance services. During the onsite visit, TPD command staff told OCR that the amounts listed for language assistance services do not include the additional compensation provided to bilingual officers participating in the SLP or CBCOP. Furthermore, it does not appear that these amounts include any expenditures that the TPD incurred to have vendors translate documents into Spanish.

In addition to Language Line, bilingual employees serve as the TPD's primary means of communicating with LEP individuals. As discussed previously in this Compliance Review Report, the TPD provides sworn officers participating in the CBCOP an additional \$75.00 per pay period, and sworn and civilian employees participating in the SLP an additional \$30.00 per pay period. The TPD has taken steps to recruit bilingual officers, such as by employing Spanish-speaking employees in its recruiting office and using these officers to recruit individuals who are reflective of the large Spanish-speaking community that the TPD serves. The TPD also has access to in-person contract interpreters; however, it does not appear that many employees have used a contract interpreter to provide language assistance services. The TPD does rely upon contractors for the translation of written documents.

Recommendation

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 on how the TPD can provide more effective

⁵ In the TPD's data response, when estimating the amount of money that it spent on language assistance services in 2008, the TPD also included \$1,570.00 that it spent on the "Community Outreach Program." However, based on information that the TPD provided to the OCR following our onsite visit, the OCR understands that the Community Outreach Program refers to a contractor that provides sign language interpretation services to communicate with individuals who are deaf. The term "LEP" does not encompass individuals who are deaf. Accordingly, expenditures on sign language interpretation services are outside the scope of our review.

language assistance services, as discussed on page 21 of this Compliance Review Report. 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 in a variety of foreign languages, including Somali, Sudanese, Chinese, and Russian. The TPD should utilize local community groups serving LEP populations to identify all of the community resources that are available to provide cost-effective and reliable language assistance services to the City's LEP populations.

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

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

Recommendation

The TPD should review its existing LEP Plan and make any necessary revisions or additions in accordance with the recommendations contained in Section I.C of this Compliance Review Report. The TPD should ensure that its LEP Plan clearly explains how TPD employees should provide services to LEP individuals in a variety of specific encounters, including telephone calls, field and walk-in encounters, interrogations and interviews, and complaint processing, along with an explanation of the procedures for accessing language assistance services. The TPD should also ensure that its LEP Plan describes the procedures that employees should follow to request or access translated documents. In revising its LEP Plan, 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) several written language assistance plans developed by other law enforcement agencies and approved by the DOJ. These documents are available online at <http://www.lep.gov>, and should assist the TPD in revising its LEP Plan.

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 must build on these steps to ensure compliance with Title VI. On request, the OCR is available to provide technical assistance to the TPD in implementing the OCR's recommendations and revising the TPD's written language assistance plan. **Immediately upon receipt of this letter, we ask that a responsible TPD official contact attorney Shelley Langguth to develop a timeline and goals for implementing the recommendations contained in this Compliance Review Report.**

Chief of Police Chief Villaseñor
April 6, 2011
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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 ([REDACTED]) or Ms. Baxter at ([REDACTED])

Yours very truly,

/s/
Michael L. Alston
Director

Enclosures

cc: Lieutenant Elise Souter