



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

CERTIFIED-RETURN RECEIPT REQUESTED

July 2, 2008

Sheriff John Zaruba
DuPage County Sheriff's Office
501 N. County Farm Road
Wheaton, IL 60187

Re: Compliance Review of the DuPage County Sheriff's Office (08-OCR-0028)

Dear Sheriff Zaruba:

I am writing to report the findings of the compliance review of language services at the DuPage County Sheriff's Office (DCSO), conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice. The OCR would like to thank DCSO staff, especially Sergeant James Kruse, for assisting OCR attorneys Michael Thomas and Shelley Langguth during their March 25-26, 2008, onsite review.

In my letter of October 31, 2007, I wrote to inform you that that OCR had selected the DCSO 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 DCSO'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 DCSO is providing language services to LEP persons.

After a thorough evaluation of the DCSO's services and activities, including the DCSO's responses to OCR's data requests and the information OCR gathered during its onsite visit,

which included interviews with department officials, command staff, sworn officers, and representatives from LEP communities, we sent you a draft report on June 4, 2008, in accordance with 28 C.F.R. §§ 42.107(d)(2) and .206(e). In a July 2, 2008, telephone conversation, Sergeant Kruse told Mr. Thomas and Ms. Langguth that DCSO did not find any factual inaccuracies in the draft report.

In regard to the limited scope of our review, we conclude that DCSO is taking steps to provide LEP persons with meaningful access to police services. However, the DCSO 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 DCSO 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 DCSO's obligation to provide LEP services and then reviewing the elements that DCSO 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 DCSO, OCR offers the following observations and recommendations.

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

DuPage County, Illinois, has approximately 904,161 residents, and is divided into the following nine Townships: Wayne; Bloomingdale; Addison; Winfield; Milton; York; Naperville; Lisle; and Downers Grove. These Townships may include both incorporated and unincorporated sections of several towns. The DCSO command staff explained to OCR that DCSO directly serves the unincorporated areas of these Townships, which contain approximately 104,000 of DuPage County's residents. The command staff stated that DCSO also has lawful authority in the incorporated areas of DuPage County, such as the ability to stop and arrest individuals, and that municipal law enforcement agencies can contact DCSO for assistance. The command staff noted that DCSO and many municipalities belong to the Illinois Law Enforcement Alarm System

(ILEAS), where members can contact each other for mutual aid. The DCSO divides DuPage County into eight law enforcement beats, and operates out of just one station. In addition to its patrol duties, the DCSO operates the DuPage County Jail, which is adjacent to its station, and provides security for the 18th Judicial Circuit Court.

According to the U.S. Census Bureau, DuPage County had a total estimated population of 869,913 individuals age five and older in 2006; of this group, 228,075 (26%) individuals spoke languages other than English, including 87,411 (10%) who spoke English less than “very well,” which OCR considers LEP. U.S. Census Bureau, American FactFinder, 2006 American Community Survey, DuPage County, Illinois, B16001. Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over at www.census.gov. DuPage County’s population included 80,260 (9.2%) Spanish-speakers, of which almost half (38,005) spoke English less than “very well.” *Id.* Other foreign languages spoken by DuPage County residents include the following: Polish (21,026 residents, with 10,204 speaking English less than “very well”); Tagalog (12,656, with 3,190 speaking English less than “very well”); Chinese (12,374, with 5,217 speaking English less than “very well”); Urdu (11,245, with 2,450 speaking English less than “very well”); Gujarathi (9,941, with 3,993 speaking English less than “very well”); Italian (8,329, with 1,836 speaking English less than “very well”); Arabic (7,386, with 2,466 speaking English less than “very well”); Greek (6,775, with 1,078 speaking less than “very well”); and Hindi (5,368, with 561 speaking English less than “very well”). *Id.*

During the onsite visit, DCSO command staff told OCR that the majority of DuPage County’s LEP population resides within the incorporated areas of DuPage County, and that of the LEP individuals who reside in the unincorporated areas, most speak Spanish. The DCSO deputies with whom OCR spoke said that they also occasionally come into contact with individuals who speak other languages such as Polish, German, Italian, Russian, and Lithuanian. While data from the U.S. Census Bureau’s 2006 American Community Survey is not available for all of the individual Townships within DuPage County, data from the 2000 Census indicates that the majority of DuPage County’s Spanish-speaking individuals aged five and older reside in Addison Township (17,042 residents spoke Spanish, with 10,312 speaking English less than “very well”); Winfield Township (9,629 residents spoke Spanish, with 6,661 speaking English less than “very well”); and Bloomingdale Township (9,315 residents spoke Spanish, with 4,878 speaking English less than “very well”). U.S. Census Bureau, American FactFinder, Census 2000 Summary File 3, P19. Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over at www.census.gov.

Recommendation

The DCSO should review the latest data from the U.S. Census Bureau to determine more accurately the language assistance needs of its service population. However, since the U.S. Census Bureau data includes both the incorporated and unincorporated areas of DuPage County, the DCSO should gather additional information specific to the languages spoken within its

unincorporated service area. A possible source of this information is the data collected by local school districts on the languages spoken by enrolled students. Additionally, during OCR's onsite visit, DCSO command staff indicated that DCSO periodically sends out written surveys to its service community; the DCSO may wish to add some questions regarding the languages spoken in the household and each member's ability to speak English. The DCSO also should track its LEP population to monitor population shifts.

The DCSO should also note that some law enforcement agencies have used Geographic Information Systems (GIS) software, such as Crimeview and ESRI, to obtain a more precise accounting of the linguistic demographics in each patrol beat and in the neighborhoods.

B. Frequency of Contacts with LEP Persons

In its data response, the DCSO stated that it served 56 LEP individuals from January 1 to December 31, 2006. This number is based on data collected from the Sheriff's Paperless Incident Reporting System (SPIRS), using the search terms "Language Line," "translate," "interpret," and "translation." During the onsite visit, DCSO command staff explained that SPIRS captures all field encounters or other interactions that generated an incident report, and that any time a DCSO employee obtains language assistance for a LEP individual, either from a bilingual officer or from the telephonic interpretation vendor Language Line Services, the employee should note that in the report. Of the 56 incidents captured in this search, 41 involved interpretation in Spanish, eight involved a Polish interpreter, three involved a Lithuanian interpreter, and the remaining incidents involved interpretation in Italian, Arabic, Greek, and Latvian.

As noted above, DCSO partially relies on Language Line to provide language services to LEP individuals. During OCR's onsite visit, DCSO command staff explained that DCSO has two accounts with Language Line; one account is funded by the DuPage County Emergency Telephone Systems Board (ETSB), a County board governed by officials from law enforcement agencies within DuPage County, and is for calls placed by the DCSO's Communications Center. The other account is funded directly by DCSO and is for calls originating from the jail operated by DCSO's Corrections Bureau. The DCSO's Communications Center contacts Language Line to respond to telephone calls from LEP individuals or on behalf of a DCSO deputy who requires Language Line's services.

It does not appear that DCSO receives regular reports from Language Line documenting the services provided. At OCR's request, DCSO obtained Language Line reports documenting all of the calls to Language Line under the ETSB account from January 1 to December 31, 2007; these reports list 2,554 calls during this time period, with 2,345 of these calls (92%) requesting a Spanish interpreter. However, during the onsite visit, DCSO command staff explained that in addition to the DCSO, various DuPage County and municipal law enforcement agencies utilize the ETSB account. The reports provided by Language Line do not specify which agency placed

the call; therefore, it is unclear how many times DCSO's Communications Center contacted Language Line for assistance during 2007. In regard to DCSO's Language Line account for the jail, Corrections Bureau command staff told OCR that its accounting records indicate that the Corrections Bureau contacted Language Line twice for assistance in 2007; command staff did not know what language(s) were involved.

While the data from SPIRS provides some helpful information, it only captures situations where a DCSO employee generated an incident report, and when the employee noted in the report that the employee encountered an LEP individual. As for the Language Line reports, while they provide helpful information about the overall language assistance needs in DuPage County, they do not specify when DCSO in particular contacted Language Line for assistance as opposed to another law enforcement agency.

Recommendation

The DCSO should establish reliable systems for gathering information on contacts with its LEP service population. As an initial matter, the DCSO should request that Language Line generate monthly reports documenting each time that a DCSO employee contacted Language Line for assistance, under both the ETSB and the jail accounts. In regard to SPIRS, the DCSO should ensure that all employees consistently note when an incident involved a LEP individual and how the DCSO provided language assistance, perhaps by modifying the existing incident reports to specifically request this information. The DCSO should also develop a way to track the situations when DCSO provided language assistance and the situation did not lead to an incident report or involve the assistance of Language Line, either by modifying existing forms or by creating a new form. However the DCSO 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 DCSO's response to the need for language assistance. The DCSO should tabulate all of the data on an annual basis to determine the language needs of its LEP service population.

C. Important Public Services to LEP Individuals

1. Emergency and Non-Emergency Calls

The DCSO's Communications Center receives emergency and non-emergency calls for police service. The Communications Center receives all emergency and non-emergency cell phone calls that originate from anywhere within DuPage County, except for cell phone calls originating from the City of Naperville. For calls made from a landline, the Communications Center receives the emergency calls from the unincorporated sections of DuPage County, along with the non-emergency calls from both the unincorporated and incorporated sections of DuPage County.

The Communications Center command staff told OCR that generally two Communications Center employees serve as call takers and two employees serve as dispatchers, and that

employees are trained to serve as both. The command staff said that if a call taker receives a call from a LEP individual, the call taker can press a button on their screen to connect directly to Language Line. The command staff stated that the Communications Center currently does not have any bilingual employees, but that it would be helpful if it did. A Communications Center call taker/dispatcher with whom OCR spoke said that the Communications Center previously had a Spanish-speaking employee who could communicate with Spanish-speaking LEP callers. The employee further noted that if a caller is LEP the call taker will note that in the report that is forwarded to a dispatcher, and that the dispatcher will try to send a bilingual officer to the scene.

2. Field Encounters and Walk-Ins

The DCSO does not have a comprehensive written policy addressing how to provide language assistance to LEP individuals. In its data response, the DCSO said that if an employee encounters a LEP individual in the field or as a walk-in to the station, the employee requests the assistance of a bilingual DCSO deputy or a bilingual officer from another law enforcement agency within DuPage County. During the onsite visit, DCSO command staff explained that DCSO's Communication Center, Community Relations Service, and Detective Division all maintain a list of bilingual employees from DCSO and other law enforcement agencies within DuPage County. The command staff further explained that deputies request the assistance of a bilingual employee by contacting DCSO's Communications Center; the Communications Center will raise a bilingual DCSO deputy over the radio or will contact another agency's dispatcher. The command staff indicated that if an appropriate bilingual officer is not available, the Communications Center can contact Language Line to assist the DCSO employee. In DCSO's data response, it said that employees may also use a LEP person's family member or friend to interpret in a non-criminal matter or if the situation is critical.

During OCR's onsite interviews, deputies told OCR that when they encounter a LEP person in the field, they first attempt to locate a bilingual officer from DCSO or another law enforcement agency. The deputies said that if they are aware of a particular officer who speaks the needed language, they call that officer directly or ask the Communications Center to request that particular officer over the radio. Several deputies also reported contacting Language Line via the Communications Center once or twice to obtain assistance. The deputies stated that they have used family members, friends, or bystanders to interpret in non-criminal situations, such as a traffic accident or when providing general information, and that they may use a child depending on the child's age. The deputies said that they would not use a family member, friend, or bystander to interpret if the matter was criminal, if an investigation was necessary, or if the situation involved a sexual assault, nor would they use a victim to interpret for a suspect.

In regard to individuals walking into the station for assistance, DCSO command staff told OCR that this is not a common occurrence. The DCSO does not have a front desk; rather, individuals must use a phone located near the station's entrance to contact the Communications Center for assistance. The Records Division is also located near the entrance, and visitors may speak to a

Records Division employee through a window. During OCR's onsite visit, Records Division employees said that visitors frequently stop by the Records Division to request directions or other information regarding DCSO's services. Several employees told OCR that if a visitor is LEP, the employees will try to locate a bilingual employee or use hand gestures to communicate, and one employee showed OCR an English-Spanish dictionary that she uses to communicate with Spanish-speakers. However, one employee expressed the opinion that if an individual lives in the United States, the individual needs to speak English. Upon learning of the employee's comment, Sheriff Zaruba met with OCR to inform OCR that this belief is not shared by DCSO officials and is not consistent with DCSO's policy to provide language assistance to LEP individuals. Sheriff Zaruba also stated that he will meet with the employee to discuss this matter.

3. Interviews, Interrogations and Arrests

In conducting interviews, interrogations or arrests of LEP persons, DCSO noted in its data response that it follows the same procedures described above, which involve locating a bilingual officer from DCSO or another law enforcement agency or contacting Language Line. As noted previously, the Detective Division has a copy of the list of bilingual employees from law enforcement agencies within DuPage County. Additionally, DCSO said that when interviewing witnesses or victims who are LEP, DCSO deputies may use a family member of the LEP individual to interpret.

During OCR's onsite visit, command staff from the Detective Division told OCR that of the Detective Division's 25 employees, one speaks Spanish. The command staff said that the Detective Division occasionally encounters individuals who speak Spanish, and has also encountered individuals who speak Polish, Czech, and Italian. According to command staff, detectives prefer to provide face-to-face interpretation when interviewing or interrogating LEP individuals, and will first attempt to locate a bilingual officer from DCSO or another agency to interpret; if attempts are not successful, then detectives will contact Language Line, or may use a family member as a last resort.

The DCSO has translated its Miranda Rights Advisement Waiver Form into Spanish to use when arresting Spanish-speaking LEP individuals. During the onsite visit, command staff from the Detective division told OCR that a Spanish-speaking detective will read this form to a Spanish-speaking arrestee. If a Spanish-speaker is not available, either a Spanish-speaker from the list of bilingual employees from law enforcement agencies within DuPage County would be contacted, or Language Line would be used.

4. Bookings and Detention

Once the DCSO takes a criminal suspect into custody, the DCSO books the individual at the DuPage County Jail, which is adjacent to the DCSO station and is operated by DCSO's Corrections Bureau. According to DCSO's website at www.dupageco.org/sheriff, the DuPage

County Jail provides for the custody of individuals awaiting trial, serving sentences of up to one year, or sentenced to periodic imprisonment.¹ During the onsite visit, Corrections Bureau command staff explained to OCR that individuals arrested by municipal law enforcement agencies within DuPage County are detained by the municipal law enforcement agency for up to 24 hours; if an individual is not released within that time, the municipal law enforcement agency transfers the individual to the DuPage County Jail. The command staff further told OCR that for a felony, the average detention period is 40 days, and for a traffic violation, the average detention period is two to three days.

In its data response, the DCSO said that if a LEP individual is detained in the jail, DCSO will rely on a bilingual employee to provide language assistance, or will contact Language Line if an appropriate bilingual employee is not available. The DCSO provided OCR with copies of the following Corrections Bureau policies that address how to provide services to LEP individuals: 1) COR 6-13.12.1, Medical and Health Care Services, which states that DCSO shall arrange for an interpreter to ensure effective communication with health staff; 2) COR 6-16.5, Reception and Orientation, which states that DCSO will provide Spanish-speaking inmates with the Inmate Rules and Regulations translated into Spanish, and will have the Language Bank² provide interpretation of the Rules and Regulations in other languages. This policy also says that DCSO will convey information about health services to each inmate in a language understood by that inmate, either by using a staff member or an interpreter; and 3) COR 6-5.2, Management Information and Research, which says that the officer running Bond Court shall notify court personnel if an inmate requires an interpreter.

When an inmate arrives at the jail, Corrections Bureau deputies provide the inmate with a written inmate questionnaire; this questionnaire requests information on issues such as the inmate's name, address, and medical history. The Corrections Bureau command staff provided OCR with copies of the questionnaire translated into Spanish and Polish, along with the Inmate Rules and Regulations translated into Spanish; this document contains information on topics such as medical services, visitation, programs and services, rules of conduct, and grievance procedures. The command staff told OCR that a DVD of the Inmate Rules and Regulations is also available in Spanish.

The Corrections Bureau deputies whom OCR interviewed said that if a LEP inmate arrives at the jail, deputies will first attempt to communicate with the inmate by locating a bilingual employee from the jail or from another section of DCSO. The deputies further told OCR that if they cannot locate a bilingual DCSO employee, they will contact Language Line for assistance, and that they may use another inmate to provide interpretation if the LEP inmate agrees. Of the four Corrections Bureau deputies whom OCR interviewed, two deputies reported contacting

¹ Inmates sentenced to Periodic Imprisonment reside at the DuPage County Jail, but are allowed to hold outside employment or attend outside counseling during their detention.

² During OCR's onsite visit, DCSO command staff clarified that the term "Language Bank" refers to the telephonic interpretation vendor Language Line previously discussed in this Compliance Review Report.

Language Line for assistance, and two deputies said that generally only supervisors may contact Language Line. Two of the deputies said that they note on the intake sheet if an inmate is LEP or if they used Language Line, while two others said they do not note this anywhere.

In regard to medical services to LEP inmates, Corrections Bureau command staff told OCR that several nurses at the jail speak Spanish, one nurse speaks Polish, and one or two doctors speak Spanish.³ One member of the medical staff whom OCR interviewed said that the medical staff will contact Language Line if the staff cannot communicate with a LEP inmate. This individual also told OCR that the medical staff will check the box for “communication difficulty” on the medical forms for LEP inmates, noting the language that the inmate speaks. It appears that the Health Services Request Form and Medical Services Refusal Form utilized by inmates are only in English. As for programs and activities offered at the jail, Corrections Bureau command staff provided OCR with a list of available classes; this list demonstrates that DCSO offers Bible Study, Job Readiness, Anger Management, and Computer classes in Spanish.

5. Complaints

The DCSO provided OCR with its written complaint procedures; these procedures do not address the receipt of complaints from LEP individuals. See DEP 4-26, Disciplinary Procedures. During OCR’s onsite visit, command staff from DCSO’s Division of Professional Standards provided further information and clarification on these complaint procedures. Briefly, members of the public can complain of alleged police misconduct in person, over the phone, or in writing. Once a DCSO employee receives a complaint, the employee will request that the complainant meet with the Patrol Watch Commander on duty, who will assist the complainant in completing the Citizen Complaint Register Form. The Division of Professional Standards command staff explained to OCR that pursuant to Illinois Public Act 93-0592, which requires a complaint against a sworn peace officer to be supported by a sworn affidavit, this Citizen Complaint Register Form must be notarized. The Patrol Watch Commander then forwards a copy of the Citizen Complaint Register Form to the Division of Professional Standards and the Division Commander of the affected employee; the Division Commander begins a limited investigation of the complaint, and forwards any findings up to the Bureau Chief for approval and submission to the Sheriff. The Sheriff can then direct the Division of Professional Standards to initiate an internal investigation, can approve the recommendation of the Bureau Chief, can order a Bureau Chief Hearing⁴, or can initiate proceedings before the Sheriff’s Merit Commission⁵.

³ Based on OCR’s discussions with Corrections Bureau command staff, OCR understands that the nurses at the jail are DuPage County employees, and that the doctors are contract employees.

⁴ According to DEP 4-26, a Bureau Chief Hearing is a formal hearing to hear and review evidence to determine whether the allegation of misconduct should be substantiated. During OCR’s onsite visit, a Division of Professional Standards commanding officer said that he does not believe that the complainant attends these hearings.

⁵ According to the Division of Professional Standards command staff, the Merit Commission is an external civilian panel that is responsible for the hiring and firing of DCSO deputies.

The Division of Professional Standards command staff told OCR that the Sheriff directs the Division of Professional Standards to initiate an investigation if the situation requires investigative skills, and that this occurs somewhat frequently. The command staff said that DCSO has never had a LEP complainant. If that situation occurs, the command staff said that DCSO would rely on a bilingual DCSO deputy or officer from another law enforcement agency, Language Line, or a family member or friend of the LEP complainant to interpret. According to DCSO's data response, DCSO did not receive a complaint alleging ineffective communication with a LEP person during the period from July 1, 2005 through November 13, 2007.

6. Community Outreach

The DCSO's Community Resources Unit is responsible for conducting community outreach activities within DuPage County. The Community Resources Unit employs five Neighborhood Liaison Officers (NLO); these officers are assigned to two or three townships each and meet regularly with community groups including homeowners associations, business associations, retirement groups, and schools to present information on public safety issues. During the onsite visit, DCSO command staff said that deputies from specialized units may also give presentations to community groups, and that presentations may be at the request of a community group or at a deputy's or NLO's own initiative.

The DCSO command staff told OCR that in the past seven years, the DCSO has never received a request from a LEP community group for a meeting or presentation, and that DCSO has never spoken at a meeting where one or more attendees were LEP. In its response to the data request, the DCSO said that if it does speak at a meeting where LEP individuals are in attendance, it will make every attempt to provide an interpreter. The DCSO command staff said that they do not believe that any of the NLOs are bilingual. According to the command staff, some of the materials that DCSO distributes at community meetings are in Spanish. It does not appear that DCSO utilizes any ethnic media to reach out to LEP community groups.

During OCR's discussions with representatives of community groups serving various LEP populations, including South Asian, Middle Eastern, and Hispanic communities, the representatives said that they are not aware of any community outreach by DCSO toward LEP populations. The representatives expressed concern that DCSO does not have many bilingual deputies to communicate with LEP individuals, particularly individuals who speak Spanish. The representatives discussed two situations where LEP individuals contacted the DCSO for assistance and DCSO failed to provide language services; rather, each LEP individual had to contact a community organization to provide interpretation on the individual's behalf. To provide more effective services to the LEP communities within DuPage County, the community representatives recommended that DCSO hire more bilingual deputies and conduct testing of their language skills and ability to provide interpretation.

7. General Language Services

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

a. Oral Language Services

The DCSO command staff and deputies identified three ways in which the DCSO provides oral language assistance to LEP individuals: (1) through Language Line; (2) through bilingual DCSO employees or bilingual employees of other law enforcement agencies within DuPage County; and (3) through friends or family members of LEP individuals or third-party bystanders.

As previously noted in this Compliance Review Report, the DCSO 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 in responding to emergency and non-emergency calls for service, it appears that few DCSO employees use this service when encountering LEP persons in the field or at the station.

The DCSO command staff and deputies stated that for non-telephonic encounters with LEP persons, DCSO employees' first attempt to locate a bilingual employee for language assistance, either from DCSO or from another law enforcement agency within DuPage County. As discussed previously in this Compliance Review Report, DCSO's Communications Center, Community Relations Service, and Detective Division maintain a list of bilingual employees at DCSO and at other law enforcement agencies within DuPage County. The DCSO provided OCR with a copy of this Foreign Language Resource List as of March 6, 2008; DCSO command staff told OCR that the Elmhurst Police Department, located within DuPage County, periodically updates this list. This list contains the names and contact information of 143 bilingual law enforcement officers or civilians, including 19 employees from DCSO. Of the 143 bilingual individuals, 92 speak Spanish, 20 speak Polish, nine speak Italian, six speak German, and the remaining officers speak Albanian, Bosnian, Croatian, Czech, Filipino, Greek, Japanese, Russian, Serbian, Tagalog, Ukrainian, and Yugoslavian. Of the listed 19 bilingual DCSO employees, 14 speak Spanish, two speak German, two speak Italian, and one speaks Polish. Additionally, during the onsite visit, Corrections Bureau command staff provided OCR with an independent list of bilingual Corrections Bureau employees; this list includes nine employees who are not listed on the Foreign Language Resource List. Of these nine additional employees, five speak Spanish, two speak Polish, one speaks Italian, and one speaks Ukrainian. Therefore, it appears that out of approximately 470 DCSO employees, a total of 28 employees speak a foreign language; the lists indicate that 24 of these employees are from the Corrections Bureau. The DCSO command staff told OCR that DCSO does not test the language ability of DCSO employees who serve as interpreters, and that command staff does not know whether the other law enforcement agencies within DuPage County test the language ability of their bilingual employees.

The DCSO said in its data response that it does not provide additional compensation to its bilingual officers. During OCR's onsite interviews, one bilingual employee recommended that DCSO provide an economic incentive for its bilingual employees, and expressed the opinion that DCSO is not rewarding an important skill. The DCSO further stated in its data response that the recruiting, hiring, and promoting of employees are governed by the DuPage County Merit Commission, and that the Merit Commission does not award any additional points for language skills during the application process. During the onsite visit, DCSO command staff told OCR that DCSO has sent recruiting officers to culturally diverse local colleges to attract more minority applicants. Bilingual DCSO deputies told OCR that they provide language assistance for other law enforcement agencies within DuPage County, and several deputies stated that DCSO has contacted them after duty hours to provide language assistance services.

Regarding the use of family members, friends, and bystanders to interpret, as explained in the section on field encounters and walk-ins, DCSO officials and deputies report using these individuals to interpret in non-criminal situations, such as traffic accidents or when providing general information. Additionally, command staff from the Detective Division told OCR that detectives may use a family member to interpret if no other language assistance is available. The Corrections Bureau deputies with whom OCR spoke said that they may use an inmate to provide interpretation if the LEP inmate agrees.

As previously noted in this Compliance Review Report, the DCSO does not have a comprehensive written policy for providing oral language assistance to LEP persons, and it does not appear that DCSO has a training program dedicated to this issue. The DCSO provided OCR with documentation from its Communications Center training manual demonstrating that DCSO trains new Communications Center employees on how to access Language Line; the Communications Center employees with whom OCR spoke confirmed this during OCR's onsite visit. Similarly, during the onsite visit, command staff from the Corrections Bureau provided OCR with several materials demonstrating that DCSO trains new Corrections Bureau employees on how to contact Language Line and how to contact bilingual employees. These training materials also include a reference card listing twenty different languages, where a LEP inmate can point to his or her language. The Corrections Bureau deputies with whom OCR spoke said that they also receive verbal training on LEP issues during roll call training. The deputies from the Patrol Division who OCR interviewed said that DCSO has provided guidance during Field Officer Training and at squad meetings on how to contact Language Line or bilingual employees. However, command staff from the Records Department told OCR that Records Department employees have not received any training on providing services to LEP individuals; as previously noted in this Compliance Review Report, Records Department employees frequently interact with individuals walking into the station.

During OCR's onsite visit, DCSO command staff said that Communications Center employees take "survival Spanish" classes for law enforcement at a regional training academy, and that other DCSO employees may take this course as well. One of the Patrol Division deputies with

whom OCR spoke said that he has taken this course, and another deputy said he has tried several times but that the class is always full. This deputy recommended that DCSO make additional Spanish classes available for employees.

b. Written Language Services

In its response to the data request, the DCSO stated that when it orders documents from vendors, if a document is available in a language other than English, DCSO will normally order copies in that other language. The DCSO explained that a bilingual employee will then review the translated document for accuracy. The DCSO provided OCR with the following documents translated into Spanish: a booklet on raising kids who don't smoke; a "You're Special" self-esteem awareness activity book for kids; a prevention guide on growing up drug free; a pamphlet entitled "Will You Know When Your Protective Order is Served?;" a safety guide regarding kids on bikes; and a copy of the Illinois Domestic Violence Act. According to DCSO's data response, DCSO makes these materials available to the public by placing them in an information station in the main lobby of the station.

During OCR's onsite visit, OCR observed the above-referenced translated documents in the information station by the front doors of the station, with the exception of the safety guide regarding kids on bikes and the Illinois Domestic Violence Act. Additionally, OCR observed a pamphlet translated into Spanish containing information for crime victims. During OCR's tour of the jail, OCR obtained an intake questionnaire for inmates translated into Spanish and Polish and the Inmate Rules and Regulations translated into Spanish, and command staff told OCR that a DVD of the Inmate Rules and Regulations is available in both English and Spanish. As previously discussed in this Compliance Review Report, DCSO has also translated the Miranda Rights Waiver Form into Spanish. During OCR's onsite interviews, several deputies reported carrying the translated Illinois Domestic Violence Act with them in the field, and one officer said that he carries a sheet containing helpful phrases in Spanish.

As for signage in languages other than English, DCSO's data response contained photocopies of pictures of the following signs translated into Spanish: a rights advisement sign, posted in the hallway of the Detective Division; a sign indicating that the room is subject to monitoring, posted in the interview rooms at the Detective Division; a sign stating that all visitors must present photo identification, posted on the front entrance doors; a sign regarding using Western Union to post bond, posted in the booking/intake area of the jail; and a sign regarding DuPage County Human Services, posted in the main lobby. With the exception of the signs posted in the Detective Division, which OCR did not tour, OCR observed these signs during the onsite visit. Additionally, Corrections Bureau command staff provided OCR with a copy of flyer in Spanish telling inmates to contact a nurse or deputy if they need medical assistance; the command staff said that DCSO provides this flyer to all inmates during booking and posts it in all pod areas of the jail. Also, command staff said that the sign regarding Western Union translated into Spanish and a Spanish version of the Inmate Rules and Regulations are also available in each pod area.

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During the onsite visit, DCSO command staff told OCR that bilingual DCSO employees may have translated the above-referenced signs.

The DCSO website at www.dupageco.org/sheriff is entirely in English. During OCR's discussions with community representatives, one representative serving various LEP populations said that DCSO could improve its services to LEP inmates and visitors to the jail by translating informational materials located at the jail into foreign languages. Specifically, the representative recommended that DCSO translate information on the visiting rules and regulations into various languages including Polish, Hindi, Urdu, Farsi, and Arabic.

Recommendations for DCSO

While the DCSO is currently taking steps to provide services to LEP persons, such as using bilingual employees at DCSO and at neighboring law enforcement agencies and translating some documents for inmates into Spanish or Polish, the DCSO should build on these steps to provide more effective language assistance to LEP individuals. As an initial matter, the DCSO should establish a comprehensive, written policy on providing services to LEP persons in a variety of contexts, including field and walk-in encounters, interrogations and arrests, booking and detention, complaint processing, and community outreach. In this policy document, the DCSO should advise employees to obtain language assistance services from qualified bilingual employees from DCSO or other law enforcement agencies, from Language Line, or from other identified community resources. The DCSO should further advise employees that they should use family members, friends, bystanders, or inmates to interpret only in unforeseen, emergency circumstances while awaiting a qualified interpreter, and that victims should never be used to interpret for alleged perpetrators.

Once the DCSO has established and formalized this policy, it should immediately train all employees on the policy to ensure that all employees are aware of the proper procedures for providing language assistance services. Following this initial training, the DCSO should establish annual training sessions for all employees focused specifically on providing language assistance services to LEP individuals. As part of its training program, the DCSO 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 DCSO may want to use this CD-ROM to enhance its existing training program. This CD-ROM may be duplicated; alternatively additional copies may be requested from the DOJ by contacting the National Institute of Justice (NIJ) at (800) 851-3420 or by visiting the following website: <http://www.ojp.usdoj.gov/nij/pubs-sum/201801.htm>.

To ensure the accuracy of interpretation and translation services provided by bilingual DCSO employees, the DCSO should implement an objective testing process for assessing employee language skills. Because the skill of communicating with another person in a foreign language is different from the skill of interpreting, which requires listening to speech in one language and orally conveying its meaning into another language, relying on employees' self-identification of bilingual competency is not the best method of assessing the ability to accurately and effectively interpret. Similarly, self-identified bilingual employees may not necessarily have the skills to provide accurate and reliable translation, which involves rendering written communication in one language into the writing of another language. An objective testing process does not need to involve a formal certification process. For example, the DCSO could test employees' interpretation skills through oral review panels comprised of officers, language professors from local colleges or universities, or community group members who are competent to interpret, and could assess translation skills through written tests developed by these individuals. The OCR understands that the local non-profit organization DuPage Federation on Human Service Reform provides training for interpreters as well as technical assistance to agencies on developing policies to interact with LEP individuals; this organization may serve as an excellent resource for DCSO in developing an effective testing or training program for its bilingual employees. The DCSO should determine whether the other law enforcement agencies test the language competencies of their bilingual employees, and work these agencies to ensure that these employees are certified. The DCSO could do so by requiring that the employees undergo proficiency testing, either by DCSO or the other law enforcement agency, before they are listed on the County-wide Foreign Language Resource List.

After ensuring that employees are qualified to provide interpretation, the DCSO should ensure that all qualified interpreters from DCSO and other agencies are listed on the Foreign Language Resource List, and that this list is frequently updated. The list should include the contact information for each employee, and should indicate whether the employee has the ability to interpret or translate. The DCSO should provide this list to all DCSO employees.

To increase the number of bilingual officers who are available to provide language assistance services, the DCSO should increase its efforts to recruit bilingual officers, particularly those who speak languages that officers reported encountering, such as Spanish, Polish, German, Russian, Italian, Lithuanian, and Chinese. The DCSO should take particular action to recruit bilingual patrol officers; currently, the vast majority of its bilingual employees are located at the jail. The DCSO should review the DuPage County Merit Commission rules and regulations to determine whether they permit the DCSO to take language skills into account when hiring or promoting officers, and DCSO should consider providing additional compensation to officers who demonstrate proficiency in a foreign language. The DCSO should also look into the availability of additional language courses that employees may take.

In regard to written materials, while the DCSO has translated several documents into Spanish, including the Inmates Rules and Regulations and the intake questionnaire for inmates (also

available in Polish), the DCSO 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 DCSO 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. Some DCSO documents that may be considered vital are its Citizen Complaint Register Form and any written correspondence to complainants, the Health Services Request Form and Medical Services Refusal Form utilized by inmates, and written notices of rules and regulations for visitors to the jail. While the Census data does not specify the exact number of LEP individuals within a language group who reside in the unincorporated sections of DuPage County, it appears that the Spanish-speaking LEP population under DCSO’s jurisdiction may meet the safe harbor threshold. The DCSO may also wish to translate some of its most important documents into other frequently-encountered languages, such as Polish, German, Italian, Russian, and African languages. Whether the DCSO relies on vendors or employees to provide translation of its written materials, it should ensure that the vendors and employees are competent in the specific skill of translation. The DCSO could ensure the accuracy of translated materials by having a second, independent translator, such as an employee, 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 DCSO 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 DCSO translates the “vital documents” and ensures their accuracy, it should then develop a strategy for distributing the materials to the relevant LEP communities.

The DCSO also should post a sign(s) in the primary languages of the largest LEP populations in the lobbies of its police stations and other places of public contact stating that on request, free language services are available. The DCSO should make sure that important information available in English on its website is also available in Spanish.

While the DCSO has a Community Resources Unit that it is specifically responsible for reaching out to its service community, it does not appear that DCSO is currently conducting any outreach

with LEP populations. The DCSO should identify organizations within DuPage County that serve or represent LEP populations, and should work with those organizations to conduct outreach activities with prevalent LEP populations. Such outreach activities may include having bilingual officers serve as NLOs and having the NLOs conduct regular meetings with LEP populations in the languages of those populations, perhaps in collaboration with community, business, and religious leaders representing the LEP populations. The DCSO may also wish to use ethnic media within DuPage County, such as newspapers, radio stations, or television stations, to inform LEP persons of the availability of free language assistance services and other important resources. To ensure that its outreach activities are effective, the DCSO should establish a mechanism for gathering community feedback on its provision of services to LEP individuals. It appears that the DCSO periodically sends out surveys to its service community; the DCSO should add some questions regarding its provision of services to LEP populations and requesting feedback on how it may improve those services. The DCSO should also consider conducting a survey of community groups serving LEP populations, or to convene a focus group of LEP individuals.

It is also strongly recommended that DCSO conduct training to all staff, including the staff of the Records Division, on DCSO's obligations under Title VI as a recipient of federal funding. This includes the requirement to provide training on language assistance for LEP individuals.

D. Available Resources

The DCSO's fiscal year (FY) is from December 1 to November 30. Based on information provided in DCSO's data response and obtained during OCR's onsite visit, DCSO's total operational budget in FY 2006 and FY 2007 was \$35,640,535.49 and \$35,130,170.00, respectively. The OCR further understands that the DuPage County ETSB spent \$55,000 on Language Line expenses in FY 2007 and anticipates spending that amount in FY 2008. As previously discussed in this Compliance Review Report, the ETSB is a County board that provides funding for calls made to Language Line by law enforcement agencies within DuPage County, with the exception of calls originating from DCSO's jail. The DCSO did not provide OCR with the amount of the Corrections Bureau's Language Line expenditures in FY 2007.

Along with Language Line, bilingual employees from DCSO and other law enforcement agencies serve as the DCSO's principal resource for communicating with LEP persons. The DCSO command staff told OCR that DCSO has sent recruiting officers to culturally diverse local colleges to attract more minority applicants; however, it does not appear that DCSO conducts any recruiting specifically targeted at bilingual officers. The DCSO currently does not provide bilingual employees with any additional compensation or benefits for providing language assistance services. As for written communications with LEP individuals, DCSO stated that it secures translated documents from vendors if available, and DCSO command staff expressed the belief that bilingual DCSO employees translated certain signs into Spanish.

Recommendation

The DCSO 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 DCSO can provide more effective language assistance services, as previously discussed in this Compliance Review Report. The DCSO 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 DCSO should also consider providing incentive pay or bonuses for DCSO employees who interpret or translate along with paying for officers to attend foreign language classes in the most frequently-encountered languages. The DCSO should also utilize community groups to identify all of the community resources that are available to provide cost-effective and reliable language assistance services to the County'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 DCSO 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 DCSO 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 DCSO in preparing a language assistance plan or a general order on services to LEP persons. The OCR also suggests that the DCSO name one person on staff to be responsible for coordinating services to LEP persons, including the development of a formal language assistance plan.

Conclusion

This letter serves as notice that OCR has made a preliminary determination that the DCSO appears to be taking steps to provide meaningful access to its programs and activities to LEP persons. However, the DCSO should build on these steps to ensure compliance with Title VI. On request, the OCR is available to provide technical assistance to DCSO in implementing its recommendations and formulating a written language assistance plan. **Immediately upon receipt of this letter, we ask that a responsible DCSO official contact Attorney Advisor**

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Shelley Langguth or Attorney Advisor Michael Thomas to develop a timeline and goals for developing a written language assistance plan for your agency.

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 or Mr. Thomas at (202) 514-8854.

Yours very truly,

/s/

Michael L. Alston
Director

cc: Sergeant James Kruse
DuPage County Sheriff's Office