



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

VIA CERTIFIED MAIL RETURN-RECEIPT REQUESTED

April 9, 2013

Sheriff Richard W. Stanek
Hennepin County Sheriff's Office
350 South 5th Street, Room 6
Minneapolis, Minnesota 55415

**Re: Hennepin County Sheriff's Office Compliance Review (09-OCR-0224)-
FINAL**

Dear Sheriff Stanek:

I am writing to report the findings of the compliance review of language services at the Hennepin County Sheriff's Office (HCSO), conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice (DOJ), in accordance with federal regulations 28 C.F.R. §§ 42.107(a), .206.

In my letter of March 18, 2009, which included a Data Request, I informed you that the OCR selected the HCSO 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, the OCR limited the scope of the compliance review to the HCSO's provision of services to limited English proficient (LEP) persons. 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 2002, the DOJ published guidance for its financial assistance 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 (June 18, 2002) (DOJ Guidance).

Using the technical assistance standards in the DOJ Guidance, the OCR initiated this compliance review to determine the extent to which the HCSO has taken reasonable steps to provide

meaningful access to its services for LEP persons, including LEP juveniles and their families who are LEP. The OCR received HCSO's Data Request Response on April 24, 2009. The OCR conducted an onsite visit to HCSO on June 9-10, 2009. The OCR would like to thank the HCSO staff, especially Inspector Tracey Martin, for assisting OCR Attorney-Advisors Michael Thomas and [REDACTED], and senior counsel George Mazza during this review.

After a thorough evaluation of the HCSO's services and activities, including the HCSO's Data Request Response and the information the OCR gathered during its onsite visit, which included interviews with command staff, sworn officers, telecommunicators, and representatives from LEP communities, the OCR is issuing the following report in accordance with 28 C.F.R. §§ 42.107(a), 42.206(e). Regarding the limited scope of our review, the OCR concludes that the HCSO is not in full compliance with Title VI and the Safe Streets.

On November 20, 2012, the OCR issued a draft Compliance Review Report to the HCSO inviting the HCSO to provide comments regarding any factual inaccuracies in the Report within forty-five days. The HCSO requested an extension of time to provide its comments. On March 22, 2013, the HCSO informed the OCR of three factual inaccuracies in the draft Report. On March 28, 2013, the OCR sent the HCSO a revised draft of the Report incorporating the requested changes. The OCR, therefore, issues this Compliance Review Report as final.

COMPLIANCE REVIEW REPORT

Part I of this Compliance Review Report provides a brief background of the HCSO. Part II assesses the HCSO's obligation to provide services to LEP individuals. Part III reviews the HCSO's oral and written language assistance policies. Part IV addresses the Department's development of an effective language assistance plan.

I. Background

The HCSO is divided into the following bureaus, divisions, and centers: (1) the Enforcement Services Bureau, which includes Information Technology Services Division, the Communications Division, the Special Operations Division, and the Enforcement Services Division; (2) the Investigations Bureau, which includes the Crime Laboratory Unit and Investigative Division; (3) the Detention/Court Services Bureau, which includes the Adult Detention Division (ADD) and the Court Security Division (Court Security), and (4) the Administrative Services Bureau, which includes the Professional Standards Division.

During the OCR's review, the OCR found one component within the HCSO, the ADD, had a written procedures for addressing encounters with LEP inmates. The OCR found that the HCSO has no comprehensive organization-wide written policy establishing procedures for providing language assistance services to LEP persons.

In the Data Request Response and during interviews with staff while onsite, the HSCO often referred to the *Hennepin County Limited English Proficiency Plan* (HC LEP Plan)¹, developed by the Hennepin County Human Services and Public Health Department (HSPHD) and the Hennepin County Medical Center (HCMC) suggesting that the HSCO follows and implements the broader County plan in providing language assistance services to LEP persons. Without commenting on the adequacy of the HC LEP Plan, as it applies to Hennepin County as a whole, the OCR notes that the HC LEP Plan states in many places that each County component is responsible for developing its own methods for providing language assistance services. The HC LEP Plan states that “each department has the best information on the individual LEP populations accessing or in need of its services, a universal plan to coordinate interpreters services cannot be established.” As of the time of the OCR’s onsite visit, the HSCO had not created its own comprehensive departmental method for providing language assistance services to LEP individuals.

II. 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 served or encountered in the eligible service population; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program; and (4) the resources available to the recipient and the related costs. 67 Fed. Reg. 41,459-61. In considering the application of these four factors to the HSCO, the OCR offers the following observations and recommendations.

A. The Number or Proportion of LEP Persons Served or Encountered in the Service Population

One factor in assessing what language services recipients should provide to LEP beneficiaries is the number or proportion of LEP persons of a particular language group in the eligible service population. The greater the number or proportion of likely LEP beneficiaries, the greater the need for language services.

Although the HSCO provided some U.S. Census Bureau data on the number or proportion of persons who spoke English “not well” or not at all,” the OCR found more specific and relevant information on the language demographics of Hennepin County. The OCR interprets the Census Bureau’s classification of persons with the ability to speak English “less than very well” as an indication of LEP status. According to the Census Bureau, for the years 2006 to 2010, the total population in Hennepin County, age five and older, was 1,056,473.² In this population, 894,448

¹ The HC LEP Plan is available at Hennepin County’s Website at <http://hennepin.us/portal/site/HennepinUS/menuitem.b1ab75471750e40fa01dfb47ccf06498/?vgnextoid=7c0b4f9a5a434210VgnVCM10000049114689RCRD>.

² U.S. Census Bureau, American Factfinder, Hennepin County, Minnesota, 2006-2010 American Community Survey 5-Year Estimates, American Community Survey, <http://factfinder.census.gov> (last visited Aug. 9, 2012).

people spoke English only, and 162,025 people spoke English "less than very well." More specifically of the LEP population, age five and older in Hennepin County from 2006 to 2010: 30,626 LEP individuals spoke Spanish; 9,147 LEP individuals spoke an Other Indo-European³ language; 18,805 spoke an Asian and Pacific Islander⁴ language; and 12,569 LEP individuals identified an Other⁵ language as their primary language.

Recommendation

In light of the census data showing the significant LEP communities in Hennepin County, the HCSO should develop the capacity to provide language services to LEP beneficiaries, particularly to the LEP community whose primary language is Spanish, Asian or Pacific Islander, and Other Languages

B. Frequency of Contacts with LEP Persons

According to the HCSO's Data Request Response, each Bureau, Division, or Center, with the exception of the Court Services Division, within the HCSO uses a telephonic interpreter service provided through the County. In its Data Request Response, however, the HCSO only provided data collected by the ADD and Communications Division. The data shows that the ADD used a telephonic interpreter service provider 6,203 times from the period of January 1, 2007, though April 30, 2009. The languages most frequently encountered were Spanish (5,329), Hmong (304), Somali (157), Russian (122), and Vietnamese (101).

According to the HCSO's Data Request Response, the Court Services Division has a cooperative agreement with the Hennepin County District Court to use the Court's interpreter services.⁶ The HCSO did not provide data pertaining to the number of requests for court interpreters and the languages used pursuant to this cooperative agreement.

Although the HSCO did not provide data regarding the frequency of the use of the telephonic interpreter service provider or other data maintained by other Bureaus and Divisions regarding contacts with LEP individuals, HSCO senior officials, officers, and telecommunicators

³ According to the U.S. Census, "Other Indo-European" languages includes the following: German, Yiddish, Dutch, Swedish, Norwegian, French, Italian, Portuguese, Russian, Polish, Serbo-Croatian, Hindi, Gujarati, Punjabi, Urdu, Greek, Baltic, and Iranian languages.

⁴ According to the U.S. Census, "Asian and Pacific Island" languages include the following: Chinese, Korean, Japanese, Vietnamese, Hmong, Khmer, Lao, Thai, Pilipino, Telugu, Tamil, Malayalam, Philippine, Polynesian, and Micronesian.

⁵ According to the U.S. Census, "Other" languages include the following: Hungarian; Arabic; Hebrew; languages of Africa; native North American languages including American Indian, Alaska native languages; and indigenous languages of Central and South America.

⁶ The HCSO's Court Services Division uses certified court interpreters from the Fourth District Court of the Minnesota Judicial Branch (Fourth District Court), which is not a current recipient of DOJ funding. The Fourth District Court services Hennepin County and includes the Juvenile Court. The Fourth District Court has an LEP Plan, effective September 2007, which includes a provision on providing language assistance services to LEP persons, including LEP juveniles and their families.

consistently stated during interview with the OCR that based upon their experience, the HCSO most frequently encounters LEP individuals whose primary language is Spanish, Hmong, or Somali.

Additionally, in the Hennepin County Limited English Proficiency Plan, the County ranked from largest to smallest the language groups requesting interpreter services.⁷ According to this ranking, Spanish, Hmong, and Somali are the three largest LEP groups in Hennepin County.

Recommendation

The HCSO should establish reliable systems for gathering information on the number of contacts with its LEP service population by its Bureaus and Divisions. The HCSO might consider creating a procedure requiring all HCSO staff to note incidents that involve an LEP individual and how the HCSO provides language assistance. Notwithstanding how the HCSO chooses to track information on its contacts with LEP persons, it should be sure to apply its data collection procedures consistently across each of its Bureaus and Divisions. The tracking process might include information on the type of interaction (e.g., emergency and non-emergency calls, field encounters, arrests, or victim or witness interviews), the language spoken by the LEP person, and HCSO's response to the need for language assistance. The HCSO's procedure should include a method for tabulating all of the data collected from each Bureau or Division on an annual basis to determine the evolving language needs of its LEP service population.

C. The Nature and Importance of the HCSO's Programs and Activities

According to the DOJ Guidance, recipients need to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for LEP individuals. The more important the activity, information, service, or program, the greater the possible consequences of the contact to the LEP individual and more likely language services are needed. The following explains how the HCSO provides language assistance services to LEP individuals in a variety of circumstances.

1. Emergency Calls

The HCSO's Communications Division is responsible for responding to emergency 911 telephone calls for twenty-three Hennepin County law enforcement agencies, including the HCSO, and nineteen county fire departments.⁸ The Division provides services twenty-four hours a day, seven days a week, and employs telecommunicators who are the first point of contact for 911 callers. The telecommunicators obtain emergency information from callers and then dispatch the information to the responding agency.

⁷ HC LEP Plan 20 (July 17, 2006).

⁸ Eleven cities in Hennepin County, including Minneapolis and Bloomington, have their own 911-dispatch center. Emergency 911 calls are automatically routed to the correct dispatch center based on the caller's location.

The HCSO does not have written LEP policies and procedures for the Communications Division explaining protocols for handling calls from LEP individuals. The OCR found that the HCSO's Communications Division does not have any bilingual employees. In the HCSO's Data Request, the HCSO stated that the Communications Division staff use a telephonic interpreter service provider to communicate with LEP individuals. The HCSO states that the call is transferred to the telephonic interpreter service and the telecommunicator stays on the telephone with the caller while the interpreter obtains the pertinent information. Consistent with its Data Request Response, the OCR found that Communications Division staff with whom the OCR spoke were aware of the availability of a telephonic language service provider.

Telecommunicators with whom the OCR spoke also stated that they do not use the telephonic interpreter service in every emergency situation involving an LEP caller. The Communications Division's command staff with whom the OCR spoke further informed the OCR that notwithstanding its general practice of using a telephonic interpreter service provider to communicate with an LEP individual, a telecommunicator's first priority is to identify the caller's needs, and then, as a second priority, identify whether the caller requires language interpreter assistance. Staff stated that if the telecommunicator can identify the language of the LEP caller by their surname or previous call history (which the OCR observed both appear on the screen each time a call is received) and the background noise of the call indicates a dire situation (such as gun fire, loud angry voices), the telecommunicator has the flexibility to immediately dispatch a unit to the location (which the telecommunicator can obtain through reviewing the latitude and longitude position of the caller on the call-in screen) without first contacting to the telephone interpreter service. Command staff and telecommunicators informed the OCR that in these situations, telecommunicators notify dispatch that the situation involves an LEP individual so that the responding agency is aware of the potential need for language assistance.

2. Field Encounters

The HCSO's Enforcement Services Division responds to emergency calls, assist in water-related incidents, administer warrants, and transport prisoners. The HCSO's Enforcement Services Division includes the Patrol, Water Patrol, Warrant, and Transport Units.

Although the Enforcement Services Division does not have a written policy for encounters with LEP individuals, according to the Data Request Response, each HCSO Division has operating guidelines on how to provide services to LEP individuals. According to senior Enforcement Services Division staff with whom the OCR spoke, officers have access to the telephonic interpreter service provider available through the County or vendors provided through the HSPHD⁹ for language assistance. The Enforcement Services Division officers that the OCR interviewed confirmed if they encountered an LEP person while engaging in policing services,

⁹ The HSPHD maintains a list of county-approved contract vendors who provide in-person interpretation services. According to the HC LEP Plan, all contracted vendors are "bound by the legal requirements of OCR's Guidance," and must be "tested on their language proficiency."

they would either utilize a telephonic interpreter service provider or contact a vendor from the HSPHD contract interpreter list.

3. Walk-Ins

In its Data Request Response, the HSCO stated that when an LEP individual walks into a public area of the HSCO, staff contact a telephonic interpreter service for language assistance services. During the OCR's onsite visit, HSCO command staff stated that often an LEP individual brings a bilingual individual with them to provide interpretation. Command staff further stated that if the LEP individual did not have their own interpreter with them, staff in public area positions knew to use a telephonic interpreter service to provide language assistance services. HSCO staff with whom the OCR spoke in public access positions confirmed that they usually relied on LEP walk-ins to bring their own interpreters but when they did not, the staff would use the telephonic interpreter service to provide language assistance services.

4. Interviews and Interrogations

The HCSO's Investigative Division¹⁰ conducts interviews and interrogations. According to senior officials with whom the OCR spoke, the Investigative Division's operating guidelines provide that detectives and officers utilize HSPHD contractors for victim interviews and interrogation of suspects. The Investigative Division staff confirmed during interviews with the OCR that detectives and officers contact the HSPHD to obtain in-person contract interpreters for interrogations and interviews involving LEP individuals. For interrogations, the Investigative Division staff also informed the OCR that it has a Miranda card and Consent to Search form translated into Spanish.

During the onsite visit, Investigative Division staff informed the OCR that in emergencies involving informal interviews in the field to locate victims, witnesses, as well as potential suspects, the Investigative Unit staff have relied on bystanders and the LEP individual's friends and family members to interpret.

5. Arrests and Detention

The ADD has written policies for providing language assistance services to LEP persons. The ADD Policy and Procedures 11-700, Inmate Rights to an Interpreter, states that bilingual staff should provide interpreter services for LEP inmates except in instances involving medical screening and booking. As of April 2009, the ADD employed fourteen bilingual employees, including three Spanish-speakers, two Hmong-speakers, two Vietnamese-speakers, one Cambodian, German, Italian, Russian, Turkish, and Romanian speaker. As discussed later in this Report, the Hennepin County Human Resources Department has certified the language competency of the ADD's three Spanish-speaking bilingual employees.

¹⁰The HSCO's Investigative Division includes the Detective, the Narcotics, Violent Offender Task Force, and the Criminal Information Sharing and Analysis Units.

The ADD Policy and Procedures 12-100, Admission/Booking Process, dated March 3, 2008, states inmates should have information pertaining to admissions, health services, and grievances communicated to them in the languages "easily understood by the inmate." The policy also states that "information shall be translated into those languages spoken by a significant number of inmates."

HCSO staff with whom the OCR spoke confirmed that bilingual staff members provide general language assistance to LEP individuals. For medical screening and booking, however, staff members utilize a telephonic interpreter service. One certified Spanish-speaking bilingual ADD employee informed the OCR that he provided language services to LEP inmates in the ADD approximately twelve times a week and also contacted by the Court Services Division to provide language assistance.

6. Complaints

The HCSO's Professional Standards Division handles complaints from members of the public. According to the HCSO's complaint policy, Internal Affairs Unit Manual 3-100, Receiving and Processing Complaints, a person can file an internal affairs complaint in person, by telephone, or in writing.

In its Data Request Response, the HCSO stated that if a LEP person filed a complaint, HCSO staff would use the telephone interpreter service to gather initial information and interview with the LEP person. Internal Affairs staff with whom the OCR spoke confirmed that they would use the telephonic interpreter service to take and respond to a complaint although they discussed that could not recall an LEP individual seeking to file a complaint involving officer misconduct.

7. Community Outreach

According to its Data Request Response, the HCSO does not participate in community outreach specifically related to language access or language services for the LEP community. During the onsite visit, the HCSO senior staff informed the OCR that the HCSO has a designated community outreach liaison who regularly attends the following community meetings: the Civil Rights Advisory Board Meeting at the St. Paul Police Department (meeting with law enforcement agencies, including the Minneapolis and St. Paul Police Departments, the FBI, and community organizations); and the Multicultural Advisory Committee Meeting (a joint community police partnership that provides information on the collaborative work of HCSO, the FBI, police departments in four cities within Hennepin County and various multicultural communities within Hennepin County). According to the HCSO's Data Request Response, if language assistance is needed at a community meeting, the HCSO would rely on community leaders to provide interpretation or translation services if needed.

During the OCR's onsite review, the OCR met with several community groups representing Spanish, Hmong and Somali-speaking individuals to discuss the HCSO's relationship with LEP

members of the public. Community representatives who work closely with Spanish-speaking LEP individuals praised the HCSO's translation of several useful documents into Spanish. There was a consensus that the HCSO needed have more bilingual officers and staff members of all the frequently encountered languages. Community members also discussed the need for the HCSO to conduct more outreach to the non-Spanish-speaking LEP communities, especially the Somali community.

Recommendation

The HCSO should establish comprehensive written policy and procedures on providing language services to LEP persons in various contexts including emergency and non-emergency calls, field encounters, walk-ins, interviews and interrogations, arrests and detentions, complaints, and community outreach. The HCSO's LEP policy and procedures should provide protocols for each of these contexts.

The HCSO should provide training to all staff on the procedures in its comprehensive language assistance policy. As part of the training program, the Department may find helpful the training DVD, available upon request, *Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice*. Other agencies have found this DVD useful in training employees on the importance of providing language assistance services.

The HCSO should create a mechanism for continually gathering community feedback on its provision of services to LEP individuals, especially to the Spanish-speaking, Somali-speaking, and Hmong-speaking communities in Hennepin County. For example, the HCSO may want to develop a written survey of community groups serving LEP populations or to convene a focus group of LEP individuals.

D. Resources Available to the HCSO

The HCSO's fiscal year is from January first through December thirty-first. The HCSO's ADD has fourteen bilingual employees. None of the other Divisions of the HCSO had bilingual employees. Hennepin County Human Resources certified the competency of three of the fourteen bilingual employees discussed more fully below. The HCSO's operational budget was \$75,896,279 in FY 2007; \$80,377,782 in FY 2008; and \$86,597,958 in FY 2009. In FY 2007, the HCSO spent \$31,250 on language assistance services to LEP persons for telephonic interpreter services and the pay differential for ADD bilingual employees (the HCSO does not breakdown the amount spent on each of these language assistance services). In FY 2008, the HCSO spent \$26,300 for language assistance services to LEP persons for telephonic interpreter services and the pay differential of bilingual ADD employees. For FY 2009, the HCSO budgeted \$15,300 for language assistance services to LEP persons for telephonic interpreter services and pay differential for ADD certified employees.

Recommendation

The HCSO should undertake a review of its human and capital resources in assessing how well it is responding to the needs of LEP populations. For instance, it appears that as the HCSO's operational budget has increased its expenditures for language assistance services have decreased. The HCSO should consider increasing the number of bilingual employees who obtain certification by Hennepin County Human Resources and receive the pay differential. The HCSO might also consider increasing its efforts to recruit bilingual officers and civilian employees, especially for its Communication Division, who speak languages that make up the greatest number or proportion of LEP individuals in the service population.

The HCSO should also gather feedback from the local LEP populations about how the HCSO can provide more effective language assistance services. The HCSO should identify additional community resources that are available to provide cost-effective and reliable language assistance services and determine what additional steps it can take to meet the needs of LEP individuals.

III. Providing Language Services

To provide public services to LEP populations, the HCSO offers both oral and written language assistance. As previously discussed, with the exception of the ADD, the HCSO has no formal comprehensive policy on the provision of interpretation and translation services to LEP persons. During the course of this review, the OCR found the following oral and translations services provided to LEP individuals, including LEP juveniles and their families, by the HSCO.

A. Oral Interpretation Services

The DOJ Guidance describes oral interpretation as the "act of listening to something in one language (source language) and orally translating it into another language (target language)." DOJ Guidance, 67 Fed. Reg. at 41,461. The OCR found that the HSCO provides oral language assistance to LEP individuals through either a telephonic interpreter service, HSPHD contracted in-person interpreters, or bilingual employees.

Hennepin County Human Resources has procedures for certifying bilingual employees. The hour-long examination consists of two parts: thirty minutes for the written test and thirty minutes for the oral test. The oral portion of the test is having a conversation in the tested language with an evaluator about a photograph that the evaluator supplies. The County scores the oral and written parts of the test separately; and to earn certification, an employee must pass both parts. The scoring is pass or fail. According to the document on the testing that the OCR obtained, "[p]ass indicates an expert or strong ability to speak or write the language. Fail indicates a beginner's ability or less"

At the time of the OCR's onsite, the HSCO's ADD had fourteen bilingual employees; none of the HSCO's other Divisions or Bureaus had bilingual staff members. Of the fourteen bilingual ADD employees, Hennepin County Human Resources had certified three of its fourteen bilingual employees. The three bilingual employees certified by Human Resources were all Spanish-speaking. During the OCR's interviews with two non-certified bilingual ADD

employees, when asked why they had not obtained certification from Human Resources, they both indicated they just "haven't gotten around to it."

According to information obtained by the OCR, Hennepin County's compensation for certified bilingual employees is based on the frequency with which they use their bilingual skills. A bilingual differential of \$45.00 per pay period is paid to employees who are assigned to use bilingual skills on a regular basis (at least five days every pay period). Bilingual employees who interpret on an occasional basis receive \$9.00 each day they provide the services (up to \$45.00 per pay period). Employees who provide assigned bilingual services must be certified by the Hennepin County Human Resources Department to be eligible for the bilingual pay differential.

Recommendation

As discussed in detail in this Compliance Review Report, the HCSO should establish an HCSO department-wide, comprehensive, written policy and procedures for providing language services to LEP persons and train all employees these procedures.

The HCSO should explore hiring bilingual staff for all of its Bureaus and Divisions, especially in its Communications Division. The HCSO should inform and encourage bilingual and multilingual employees to obtain certification through Hennepin County Human Resources Department. After ensuring that employees are certified to provide interpretation assistance, the HCSO should make sure that a list of certified interpreters is maintained, updated frequently, and shared widely within the HCSO. The roster of qualified interpreters should include the contact information for each employee and note whether each employee has the ability to interpret, to translate, or both. The HCSO should train all employees in the proper procedures for requesting the assistance of a bilingual employee from the list.

B. Written Translation Services

According to the DOJ Guidance, "[t]ranslation is the replacement of a written text in one language (source language) into an equivalent text in another language (target language)." DOJ Guidance, 67 Fed. Reg. at 41,463.

In its response to the OCR's Data Request, the HCSO identified a few translated documents. The Investigation Division has translated Miranda cards and Interpreter Affidavit forms into Spanish. The ADD's Inmate Handbook is translated into Spanish. According to the ADD with whom the OCR spoke, if an LEP inmate cannot read or understand English or Spanish, the ADD faxes pages of the handbook to Language Line, and the Language Line interpreter reads the information to the inmate in his or her language.

The Court Services Division translated the Foreclosure Advice Notice into Spanish, Hmong, and Somali. According to the HCSO, the other HCSO Divisions and Units do not have translated materials.

In response to OCR's Data Request, the HCSO Court Security Division indicated that it has posted signs in the holding areas used by the Division and in each courthouse that gives notice in ten languages that interpreter services are available from the court.¹¹ The OCR observed this signage on display during its onsite visit. This is the only translated signage the OCR observed during its onsite visit.

The OCR found that HCSO's website at: <http://www.hennepinsheriff.org/> is available only in English.

Recommendation

While the HCSO has several documents translated into other languages, the HCSO should take additional steps to ensure compliance with Title VI. The DOJ encourages recipients to satisfy the "safe harbor" provision in the DOJ Guidance when determining what documents to translate. *See* DOJ Guidance, 67 Fed. Reg. at 41,464. According to this provision, if recipients want to be sure that they are in compliance with Title VI, at least in regard to providing written translations, they 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 the 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 or services; notices of disciplinary action; 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 participate in a recipient's program or activity or to receive a benefit or service. *Id.*

In accordance with the DOJ Guidance, the OCR encourages the HCSO to 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 U.S. Census data and information provided by the HCSO, it appears that the Spanish-speaking, Somali-speaking, and Hmong-speaking LEP population in Hennepin County meet the 1,000-person safe harbor threshold. Based on the growth of LEP communities in Hennepin County, the HCSO should periodically consider whether to translate vital documents into additional languages.

The HCSO should also post a sign(s) in the primary languages of its largest LEP populations in the public areas of its headquarters and other places of public contact stating that, on request, free language services are available.

The HCSO should make sure that important information that is available on its Website in English is also available in Spanish, Somali, and Hmong.

¹¹ The sign states, "You have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk." The sign is translated into the following ten languages: Arabic, Hmong, Khmer Cambodian, Lao, Oromo, Russian, Serbo-Croatian, Somali, Spanish, and Vietnamese.

III. Developing an Effective Language Assistance Policy and Procedures

Effective policy and procedures 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 policy. *See generally* DOJ Guidance, 67 Fed. Reg. at 41,464.

Recommendation

The HCSO should establish a comprehensive, written language assistance policy and procedures applicable to all Divisions and Bureaus on providing language services to LEP persons in various contexts, including emergency calls, field encounters, interviews, interrogations, arrests, detention, and complaint processing. The HCSO's LEP policy and procedures should incorporate the five elements referenced above and addressing the concerns raised in this Compliance Review Report. In its LEP policy and procedures, the HCSO should advise officers, telecommunicators, and other non-sworn staff on protocols for obtaining language assistance from telephonic interpreter services, certified bilingual employees, or other reliable sources as well as emphasize that employees should use bystanders or LEP individuals' family members and friends to interpret only in unforeseen, emergency situations. In doing so, the HCSO may want to use the HC LEP Plan and its ADD policies as guides in developing a comprehensive, department-wide HCSO policy. The HCSO may also 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) sample written language assistance policies. These documents are available at <http://www.lep.gov>. The OCR also suggests that the HCSO name one person on staff to be responsible for coordinating services to LEP persons. This individual's first task might be to review this Report's recommendation and develop a formal language assistance policy that will become familiar to every HCSO employee.

IV. Conclusion

This letter serves as notice that the OCR has made a preliminary determination that within the limited scope of our compliance review, the HCSO is not in full compliance with Title VI and the Safe Streets Act. The OCR strongly recommends that the HCSO implement the recommendations set forth in this Compliance Review Report, starting with formulating written language assistance policy and procedures. The OCR is available to provide technical assistance to the HCSO.

Sheriff Richard W. Stanek
Hennepin County Sheriff's Office
April 9, 2013
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Upon receipt of this letter, we ask that a responsible HCSO official contact Attorney Advisor [REDACTED] to develop a timeline and goals for developing a written language plan for the HCSO. Thank you for your cooperation and the assistance of your staff throughout the compliance review process. If you have any questions, please contact [REDACTED] at [REDACTED]
[REDACTED]

Sincerely,

Michael L. Alston
Director

cc: Tracey Martin, Inspector