



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

CERTIFIED-RETURN RECEIPT REQUESTED

December 4, 2007

Dana V. Starks, Interim Superintendent
Chicago Police Department
3510 South Michigan Avenue
Chicago, Ill. 60653

Re: Chicago Police Department Compliance Review (05-OCR-0040)

Dear Superintendent Starks:

I am writing to report the findings of the Compliance Review for language services at the Chicago Police Department (CPD), conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice. The OCR would like to thank CPD and City of Chicago staff, especially Lieutenant Judy Martin, Coordinator of Intergovernmental Affairs Robert Buckley, and Assistant to the Mayor Adam Monreal, for assisting OCR attorney JuanCarlos Hunt and law clerk Mona Mafi during their onsite visit.

In my letter of January 3, 2005, I wrote to inform you that OCR had selected the CPD 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 CPD'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 CPD is providing language services to its LEP population.

After a thorough evaluation of the CPD's services and activities, including CPD's responses to our data request and the information Mr. Hunt gathered during his onsite visit, which included interviews with the command staff, sworn officers, and representatives from LEP communities that speak Spanish, Asian, Indo-European, and other languages, we sent you a draft report on August 7, 2007, in accordance with 28 C.F.R. §§ 42.107(d)(2) and .206(e). In a December 3, 2007, letter from CPD Acting General Counsel William E. Bazarek, the CPD advised OCR that the draft report accurately reflects the CPD's strengths and weaknesses at the time of OCR's onsite visit.

In regard to the limited scope of our review, we conclude that CPD appears to be taking steps to provide LEP persons with meaningful access to police services. However, the CPD 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 an effective language assistance plan for LEP persons. The following Compliance Review Report contains recommendations based on the DOJ Guidance that CPD 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 CPD's obligation to provide LEP services and then reviewing the elements that CPD 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 CPD, OCR offers the following observations and recommendations.

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

According to the United States Census Bureau (Bureau), the 2005 population estimate for the City of Chicago is approximately 2.8 million people. The CPD provided a map demonstrating that it divides the City into five patrol areas, consisting of 25 police districts. Each police district is comprised of nine to 15 police beats, for a total of 281 beats.

The CPD provided OCR with a breakdown of each district's race and ethnic make-up, but it did not submit information on the languages spoken by the service population. During the onsite visit, the CPD stated that it has an understanding as to where language assistance is needed because many neighborhoods in Chicago consist of ancestral enclaves (i.e., Little Italy, Chinatown, Little Korea).

Based on the Bureau's 2005 American Community Survey, the City of Chicago had an estimated population of 2,486,478 residents age five and older; of this group, 645,777 spoke Spanish, and more than half of this number (331,084) spoke English less than "very well," which OCR considers LEP. U.S. Census Bureau, American FactFinder, Fact Sheet, Chicago city, Illinois at <http://factfinder.census.gov>. Other City populations with more than 1,000 individuals age five and older speaking a language at home other than English include the following: Polish (70,735, with 44,479 speaking English less than "very well"); Chinese (26,921, with 15,631 speaking English less than "very well"); Tagalog (26,440, with 8,510 speaking English less than "very well"); French and French Creole (12,502, with 2,560 speaking English less than "very well"); Serbo-Croatian (11,905, with 5,311 speaking English less than "very well"); Arabic (11,545, with 3,774 speaking English less than "very well"); Urdu (10,071, with 3,796 speaking English less than "very well"); German (9,118, with 2,431 speaking English less than "very well"); Korean (8,929, with 5,990 speaking English less than "very well"); Russian (8,795, with 6,218 speaking English less than "very well"); Italian (7,569, with 1,577 speaking English less than "very well"); Greek (7,525, with 2,826 speaking English less than "very well"); Hindi (7,029, with 1,566 speaking English less than "very well"); and Japanese (3,746, with 1,631 speaking English less than "very well"). Id.

Recommendation

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

B. Frequency of Contacts with LEP Persons

To respond to telephone calls from LEP persons, the CPD utilizes the services of Language Line, a private vendor that provides interpreters for approximately 160 languages. The City of Chicago Office of Emergency Management and Communications (OEMC), an independent municipal agency, handles emergency or 911 calls, and a centralized CPD office receives non-emergency or 311 calls. When either an OEMC or CPD operator receives a call from an LEP individual, the operator contacts Language Line for interpretation. Language Line provides the CPD with periodic reports, itemizing CPD calls by language, minutes spoken, and cost. From January of

2004 through June of 2005, the CPD used Language Line 71,444 times for emergency calls; approximately 88% of these calls involved a Spanish interpreter, and approximately 8% of the calls involved a Polish interpreter. On the non-emergency lines, the CPD used Language Line 40,795 times over the same eighteen-month period; approximately 93% of the calls utilized a Spanish interpreter, and approximately 5% of the calls utilized a Polish interpreter. Aside from the data obtained from Language Line, the CPD does not otherwise collect information on contacts with LEP individuals.

Language Line data underestimate significantly the CPD's frequency of contact with LEP individuals. Language Line only captures the telephone calls for service when the CPD used Language Line; it does not capture most field encounters and walk-ins, or many telephone calls with LEP persons when the CPD did not contact Language Line. During the onsite interviews, many of the operators stated that they often resolve telephonic encounters with LEP persons without using Language Line, such as using their own language skills, the language skills of co-workers, or the language skills of friends or family members of the LEP individual. The operators stated that they sometimes note in the administrative paperwork that the operator used a non-Language Line interpreter for assistance; however, this practice is neither a CPD policy nor do operators consistently perform it. Also, while CPD employees complete a contact information card to document encounters with members of the public, the card does not contain a reference to LEP status. Consequently, the CPD does not have reliable information about the number of requests for language assistance from LEP persons.

Recommendation

The CPD should establish reliable systems for gathering information on contacts with its LEP service population. Supplementing the reports of Language Line, the CPD should establish procedures for gathering annual data on all language assistance calls not referred to Language Line, including information on the nature of the call, the language requested, and the length of time a bilingual operator or other interpreter spent with the LEP caller. The CPD should also develop procedures for gathering annual data on all other contacts with LEP persons, either by modifying its existing reporting forms or by creating a new form. However the CPD chooses to gather and 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 CPD's response to the need for language assistance.

C. Important Public Services to LEP Individuals

1. Emergency and Non-Emergency Calls

As previously stated, OEMC handles the emergency calls for police service, and CPD police and civilian operators directly receive non-emergency calls. The OEMC has issued written policies that provide instructions for handling emergency and non-emergency telephone calls from LEP

persons. If a caller cannot verbally communicate in English, the operator is to attempt to identify the primary language of the caller and then immediately call Language Line for assistance using a one-button link. The OEMC also provides operators with a sheet that in twenty-five different languages urges the caller to stay on the line and not hang up. Once the Language Line operator determines the language needs of the LEP person, the Language Line operator locates an appropriate interpreter and then connects the interpreter to the line. The OEMC or CPD operator questions the LEP individual, and the Language Line interpreter relays the questions to the LEP person in the appropriate language. Once the OEMC or CPD operator assesses the needs of the LEP individual, the operator dispatches an officer to the scene or transfers the LEP individual to a CPD report-taker as appropriate.

The OEMC and CPD operators receive training upon their hire, as well as in-service training. The CPD and the OEMC officials interviewed by OCR stated that operators that are capable of interpreting in the language of the LEP caller will handle the call without contacting Language Line. The operators said that if they do not speak the language of the LEP caller, they generally rely on the interpretation services of Language Line; however, they also stated that they use co-workers that they believe are bilingual, as well as the LEP caller's friends and family, including minors. Operators admitted that on occasion, and particularly in non-emergency situations, rather than using Language Line, they ask the LEP person if someone in the home speaks English and can serve as an interpreter. Community representatives interviewed by OCR confirmed this, stating that OEMC and CPD operators do not always rely on Language Line or competent interpreters when answering calls from LEP persons, instead requiring the LEP person to speak in broken English or provide an interpreter.

The public, non-emergency numbers for contacting CPD units provide automated information and prompts in English only.

2. Field Encounters and Walk-Ins

In its data response, the CPD indicated that if an officer requires an interpreter for any purpose, the officer will first contact the officer's home district office to request that an on-duty officer with the appropriate language skills be dispatched to the scene. If an appropriate bilingual officer is not available, then the officer follows the procedures outlined in CPD's General Order 92-01-06A, People with Disabilities, to obtain an interpreter. This Order indicates that the officer requiring an interpreter should contact Operations Command at CPD headquarters. CPD G.O. 92-01-06A, §V(E)(3). Operations Command relies on a list of bilingual CPD officers and civilian employees to locate an appropriate interpreter. The list includes information on the employee's job site; whether the bilingual employee is sworn or unsworn; and whether the employee has the ability to understand, speak, read, or write in a particular language. Once Operations Command locates an employee, usually an officer, who can accommodate the communication request, Operations Command dispatches the bilingual employee to the requested

location. Operations Command also provides the list of bilingual officers to the Commanders of the district stations.

During the onsite interviews, officers and civilian employees said that they have frequent contacts with LEP persons, and the most frequent contacts by far are with LEP persons whose first language is Spanish. Many of the officers stated that they rarely contact Operations Command for assistance, as they usually know which employees are bilingual and whether the employees are on duty. In fact, several of the officers were unaware of the list of bilingual employees or that Operations Command provides language assistance. If an officer needs a bilingual officer and one is not readily available, officers stated that they contact dispatch, their district station, or Operations Command to locate a bilingual officer that can provide assistance. Several officers also reported contacting Operations Command or OEMC to access Language Line for assistance. Officers told OCR that in order to contact Operations Command, they must locate a phone or use their personal cell phone; the CPD does not provide cell phones for this purpose.

Employees also stated that they rely on the LEP person's family members (including minors), friends, neighbors, local merchants, and bystanders to interpret. Additionally, several employees said that they communicate with LEP persons by using hand gestures and having the LEP person speak in broken English. Some employees candidly stated that there have been instances where they were unable to communicate with an LEP person and so they regretfully did not provide service.

Community representatives told OCR that when monolingual CPD employees, especially officers, encounter LEP persons, their standard approach is to require the LEP person to speak English, to attempt communication with hand gestures, or to rely on individuals who are not competent to interpret. A community representative discussed an incident where a LEP woman felt that her inability to explain what had occurred resulted in the CPD giving her an unwarranted ticket. Several community representatives also stated that during traffic stops CPD officers do not ask LEP persons if they need interpreters.

Additionally, community representatives expressed concern about how CPD officers handled domestic violence calls involving LEP persons. The sentiment from many LEP representatives was that CPD officers did not realize that they may be the only source of help for non-English-speaking women in domestic violence situations and often became impatient with the women, resulting in the women feeling further isolated. Community representatives contended that on several occasions CPD officers used alleged perpetrators who speak English to interpret on domestic violence calls involving Arabic-, Urdu-, and Chinese-speaking women.

3. Interrogations

In conducting interrogations of LEP persons, CPD officers employ the same general procedures used in field and walk-in encounters, as outlined in CPD Order 92-01-06A. Additionally, General Order 92-01-06A contains guidance specific to conducting an interrogation of a person requiring language assistance. This General Order requires an investigator to obtain an interpreter through Operations Command and precludes the investigator from starting an interrogation until the interpreter arrives. G.O. 92-01-06A, §V(F)(1). It also instructs the investigator to familiarize the interpreter with the questions the investigator wants asked and to explain to the interpreter the CPD's confidentiality requirements. G.O. 92-01-06A, §V(F)(2). The investigator also must provide the person being interrogated with a copy of the Required Warnings to Be Given Prior to Interrogation (CPD-11.480) and inform the LEP person that CPD is providing the interpreter at no cost. *Id.* The policy indicates that investigators are normally prohibited from using the LEP person's family or friends to interpret during an investigation. G.O. 92-01-06A, §V(F)(4).

4. Arrests and Bookings

The CPD has written policies governing booking and detaining individuals in CPD detention facilities; however, the policies do not address language assistance issues. (See, G.O. 02-03; G.O. 02-03-05.) In its data response, the CPD states that it relies on the same procedures used in other face-to-face encounters when arresting and booking LEP suspects.

5. Complaints

The CPD has several written policies for handling complaints from the public against CPD officers. (See, G.O. 93-03; G.O. 03-03-01; G.O. 93-03-02B; G.O. 93-03-03; G.O. 93-03-03A; G.O. 93-3-4; G.O. 93-03-04A; G.O. 93-03-04B; G.O. 93-03-05B; and G.O. 93-3-6.) However, these policies do not contain any provisions for dealing with LEP complainants. According to the policies and CPD's data response, all misconduct allegations are initially reported to the Office of Professional Standards (OPS), either by a supervising officer or a member of the public. The OPS determines, based on CPD's written policies, whether to investigate the case or refer it to the Internal Affairs Division.

In its data response, the CPD explained that complaints are initially received by OPS by telephone, as opposed to a written complaint form. During office hours, both OPS and the Internal Affairs Division have Spanish- and Polish-speaking employees available to speak to Spanish- and Polish-speaking complainants. Employees from OPS and the Internal Affairs Division told OCR that if a bilingual employee is not available, they contact the district office or Operations Command to locate an interpreter. Employees from both offices also stated that they rely on LEP persons' family or friends, including minors, to interpret. The OPS also has an after-hours automated complaint line that provides a Spanish language option. During the onsite visit,

CPD staff stated that there is a new rule requiring a complainant to submit an affidavit at the beginning of the investigation, and that the affidavit is available in English, Polish, and Spanish.¹ The CPD collects data on complaints the public files but not specifically on complaints alleging difficulties in communicating effectively with a LEP person. The CPD reports that it has not located any complaints alleging ineffective communication with a LEP person for the period of July 1, 2003, through May 2, 2005.

6. Community Outreach

The CPD reaches out to LEP groups through meetings and community events, including beat meetings under the Chicago Alternative Policing Strategy (CAPS). According to General Order 92-01-A, §V(E)(3), the CPD must provide oral interpreters for all CPD-sponsored events that are open to the public. Additionally, the CAPS Beat Community Meetings Handbook also requires that the CPD provide interpretive services; the manner in which the services are provided depends on the number of meeting participants needing interpretive services. Officers interviewed by OCR stated that the CPD uses bilingual officers or community group representatives to interpret during CPD-sponsored meetings.

During the onsite visit, CPD staff and community group representatives stated that CPD has provided interpreters at community meetings and has held bilingual community meetings in Spanish, Polish, Chinese, Korean, and Arabic. At least one district conducts crime prevention seminars for LEP persons that speak Spanish, Bosnian, and Asian languages. Additionally, the CPD provides an elementary school course on gang prevention in Spanish for third and fourth graders.

Many community groups representing various LEP populations, including those that speak Arabic, Spanish, Polish, and Korean, made several positive comments to OCR about the CPD's attempts to meet with the community. However, at least one community group representative told OCR that CPD does not provide interpreters at most of the CAPS beat meetings but asks the community groups to provide interpreters, and that it is difficult for the groups to do this when there are so many police beats. A representative from one community organization told OCR that the CPD has been very helpful in responding to the organization's request for information.

The CPD also works in conjunction with ethnic newspapers and magazines, such as Hoy, La Raza, Polish Daily News, Zgoda, and Arabic Publications Weekly, to provide relevant

¹ Please note that the IACP National Law Enforcement Policy Center advises law enforcement agencies that it is not a good general practice to inform complainants of the penalties for filing a false complaint, as it creates a chilling effect on the filing of complaints and could be perceived as an attempt to intimidate potential complainants. Additionally, a law enforcement agency's failure to fully document all complaints from the public can create a perception that the agency is covering up some officer misconduct. See the Model Policy on Investigation of Employee Misconduct and its accompanying Concepts and Issues Paper, published by the IACP National Law Enforcement Policy Center (revised October 2001).

information to LEP persons. Ethnic newspapers publish articles on behalf of the CPD regarding crime, as well as general information about the CPD, such as announcing the date of an upcoming community meeting or providing details regarding the next CPD police officer entrance examination. For example, for the 2004 police entrance examination, the CPD advertised in the Polish Daily News, Korea Times, Hoy, La Raza, and Extra Bilingual Newspaper. During the onsite visit, the CPD provided several newspaper articles from a Polish newspaper, as well as documents it has printed in Chinese and Korean newspapers. The CPD also produces in Spanish public service announcements and DVDs, including one on diversity and two on domestic violence.

In regard to notifying community members of available language assistance services, most CPD employees stated they do not explicitly inform LEP persons during an encounter that the CPD offers language assistance free of charge. The CPD states that it notifies LEP persons about the availability of interpreter services through ethnic media, such as the local Spanish television stations of Univision and Telemundo; the local Chinese cable channel, ChinaStar; and the local Polish radio station, WPNA 1490; and through the City of Chicago's public cable station, Chicago Access Network Television.

7. General Language Services

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

a. Oral Language Services

The CPD identified two ways in which it provides oral language assistance to LEP individuals: (1) through Language Line; and (2) through bilingual CPD employees.

As previously noted in the sections on frequency of contact with LEP persons and emergency and non-emergency calls, CPD uses Language Line to respond to telephone calls from LEP persons. This vendor provides interpretation for 160 different languages, 24 hours a day, seven days a week. While Language Line appears to be useful in responding to 911 and 311 calls, it seems that few employees other than the 911 and 311 operators use this service.

The CPD states that for non-telephonic encounters with LEP persons, its employees are to use an interpreter from the list of bilingual employees. As of January 10, 2005, this list contains approximately 3,137 names, out of over 16,000 CPD employees, that combined speak more than 47 languages. The most common non-English languages are Spanish (2,109), Polish (190), and German (113). This list specifically notes whether each employee has the ability to understand, speak, write, or read the relevant language. The list of bilingual employees is based strictly on self-reporting at the time an employee is hired; the CPD does not assess the language competency of the listed bilingual employees. Moreover, the list may not always be up-to-date; during the

onsite visit, OCR spoke to CPD employees who provide language assistance but are not on the list. Employees do not receive any additional compensation for foreign language skills or for serving as an interpreter or translator, unless they are called to do so by another district or while they are off-duty.

Despite the large bilingual employee workforce, most employees needing an interpreter told OCR that they repeatedly use the same co-worker(s) to interpret. Both bilingual and monolingual employees stated that more bilingual employees are needed for certain languages, such as Chinese dialects.

The OCR learned through interviews with CPD employees that despite the availability of language assistance resources, employees often tried to communicate with LEP persons on their own either in English or through hand gestures. CPD employees commented that they can "get by" in this manner and that they are "able to piece together" information with the LEP person. Additionally, the CPD stated that it does not use the language services of bystanders or the LEP person's family, friends, or neighbors. However, virtually all employees, in every division and district station, stated in onsite interviews that they regularly use these individuals in responding to encounters with LEP persons. One officer admitted to "using them in a heartbeat," and another said that he uses the "7-11 guys" to translate "Indian."

The CPD does not have an all-encompassing written policy for providing oral language assistance to LEP persons. In addition, it appears that there is little to no official training on this issue either at the academy or in annual in-service programs. The CPD informs staff of its policies and procedures during mandatory squad briefings that occur before each shift. The CPD streams sensitivity training videos at squad briefings, some of which OCR watched, but the videos do not specifically address language assistance for LEP persons. Additionally, several CPD employees told OCR that they do not recall receiving any training on LEP issues.

The CPD provided OCR with two documents, "Spanish for Police Officers" and "CPD Emergency Spanish Phrases," that are designed to assist non-Spanish-speaking officers communicate with Spanish-speaking LEP persons. None of the officers OCR interviewed, however, appeared to be familiar with either document.

In the course of OCR's conversations with community organizations, at least one group representing Chinese-speaking LEP persons raised concerns about the shortage of Chinese-speaking officers in Chinatown. They stated that the shortage of Chinese-speaking officers results in the CPD failing to provide services to LEP persons in a timely fashion.

b. Written Language Services

The CPD data response provides copies of 21 different brochures, informational booklets, and other documents in languages other than English available through CPD's Preventive Programs

and Neighborhood Relations Division. The CPD notes in its response that seventeen of these documents are written in Spanish, two are in Polish, one is in Arabic, and one is in an unspecified Asian text. The translated documents include pamphlets and brochures with information on hate crimes, identity theft, drinking-and-driving, drugs, sexual abuse, domestic violence, gang violence, home safety, street safety, vehicle safety, and public transportation safety.

During the onsite visit, the CPD provided OCR with additional Spanish translated documents, including pamphlets on how to identify a criminal, the rights of victims and witnesses of violent crimes, domestic violence, women's health, rape, tenant rights, fire alarms, community safety, child abuse, traffic stops, a job fair, identity theft, vehicle theft, and underage drinking. The CPD also has translated into Spanish a Victim Information Notice, a Buccal Swab Request (to obtain biological evidence), a consent to search form, a waiver of rights form, an application for police certificate (used to request a letter of clearance for immigration purposes), a manual for organizing Hispanic communities to prevent alcohol, tobacco, and illicit drug use, an "Officer Friendly Safety Coloring Book," a syllabus for a CPD gang prevention course, and an identity theft booklet.

Furthermore, the CPD translates into Polish documents on domestic violence, substance abuse, crime victims' compensation, and social activity announcements. The CPD also provides the following documents in Spanish and Polish: notification of rights for victims of violent crimes, as well as for detainees and persons under arrest; a Domestic Incident Notice Report; a certification letter sent to callers after the completion of a non-emergency call; a crime victims compensation pamphlet; the OPS's closure letter; a brochure to educate pet owners; letters from the Superintendent; and notices of upcoming community meetings and events.

In addition to the domestic violence materials translated into Spanish and Polish, the Domestic Violence unit provides several brochures that have been translated into Korean, Chinese, Arabic, Serbian, and Russian. Of particular note, the CPD has a domestic violence document translated in Spanish, Chinese, and Russian specifically created for immigrant and refugee women.

The CAPS office has translated into Spanish several of its CAPS Tips, one page documents that deal with various law enforcement issues, such as how to contact 311 and 911; safety tips; and animal cruelty. The CPD also has documents in Korean regarding neighborhood safety. In addition, the CAPS office translated into Polish and Spanish its CAPS Tips, entitled "What You Should Do If Stopped By A Police Officer" and an informational magazine explaining the purpose and goals of the CAPS office. The CAPS hate crime pamphlet has been translated into Arabic, Assyrian, Chinese, Spanish, Hindi, and Korean. The CPD also has emergency assistance cards translated into Spanish, Laotian, Assyrian, Arabic, Korean, Cambodian, Vietnamese, Hmong, and Chinese. LEP individuals may carry these cards with them in the case of an emergency; on one side of the card LEP persons (or English-speaking friends or relatives) write in English their name and contact information, the language that they speak, and the name and

number of an English-speaking friend or relative, and the other side of the card instructs LEP persons how to phone for help in an emergency.

The OPS and Internal Affairs Division complaint affidavit (required to commence an investigation) and the form stating that a complainant wishes to drop a complaint are in English, Polish, and Spanish. Additionally, during onsite interviews OPS stated that it is translating an informational brochure into Spanish.

Despite the CPD's efforts to make a large amount of resources available in languages other than English, many employees that OCR interviewed were not aware of the translated materials. Several employees suggested to OCR that the CPD consider translating certain documents, when in fact the CPD had already translated them. Additionally, even when officers were aware of the availability of translated documents, it does not appear that many of these officers distributed them. For example, several officers were aware of a domestic violence pamphlet but only a few officers had given it out. Indeed, several community organizations expressed concern that officers do not provide domestic violence documents in the languages that the LEP female victims speak. In addition, several employees could not identify one document that they provided to the public that was not in English.

The CPD states that it chooses documents to translate based on the needs of the community, and that it utilizes employees and community groups to translate materials and ensure their accuracy. Based on OCR's onsite interviews, it appears that bilingual officers assigned to a district station or division translate most of the documents originating from their station or division. The CPD's list of bilingual employees identifies approximately 2,688 employees who read and approximately 2,209 employees who write in a language other than English; the predominate languages are Spanish (1,919 read and 1,611 write), Polish (127 read and 95 write), and German (99 read and 71 write). The list, however, does not necessarily capture language skills accurately. For example, the list indicates that a particular officer is capable of translating, yet during the onsite visit, the officer told OCR that her ability to write was limited and she would not be comfortable translating even a flier.

The OCR observed posters and signage in public places at District Stations 14 and 16 that informed individuals of police services in Spanish and Polish. In addition, District Station 14 had a wall of forms available to the public, including documents written in Spanish and Polish. The OCR could not find any translated signage in the entryways at CPD headquarters, CAPS, OPS, OEMC, or District Station 20 or 21 (which polices Chinatown). Nor were there any translated documents in the entryways at these locations. All the district stations that the OCR visited had signage in Spanish in the interview room and detainee processing area informing interviewees and detainees of their rights; some also had the signage in Polish.

During the onsite visit, the CPD provided OCR with numerous posters or fliers that have been translated into Polish, Spanish, Chinese, Arabic, Hindi, Korean, and Vietnamese, addressing

topics such as domestic violence, neighborhood safety, beat meeting announcements, a landlord training program, and community alerts. However, OCR did not observe any of this signage posted at the time of the onsite visit. The CPD also provided copies of community alert fliers translated into Chinese, Thai, Japanese, Khan Bao, Vietnamese, Indonesian, Tagalog, Korean, and Urdu warning of a serial rapist targeting Asian women. According to the CPD, officers from the 20th District distributed these fliers in 2000 to representatives of the affected Asian communities.

The CPD website, www.cityofchicago.org/police, contains little information in languages other than English. When a user clicks on the link for hotline and CPD contacts, the user can then click on a link to access information on Language Line (the link and explanatory information are in English); the user then has the option to read the information in Spanish. Additionally, when a user clicks on the link to find out if a vehicle was towed, the user is taken to the CPD CLEARpath page (www.chicagopolice.org); the user then has the option of obtaining this information in Spanish. Also on the CLEARpath page, the most recent community alert can be viewed in Spanish and Polish. The OCR staff could not locate any other information in languages other than English on the official CPD or CPD CLEARpath websites.

In its data response, the CPD states that it notifies the public of translated materials through community presentations and gatherings, some of which are conducted in Spanish. The CPD also informs the LEP population of translated materials by posting translated materials throughout the community and by providing translated materials to local businesses and community groups and centers for posting and distribution. In addition, a few police officers distribute materials in the course of their regular duties (e.g., domestic violence information).

Recommendation

While the CPD currently is taking steps to provide services to LEP persons, such as employing a large number of bilingual employees and translating numerous documents into frequently-encountered languages, the CPD should build on these steps to provide more effective language assistance to LEP individuals. As an initial matter, the CPD should establish written policies on providing services to LEP persons in all of the situations addressed in this report, and should conduct training to make sure that all employees are aware of the available resources for providing language assistance and how to properly access these resources. The CPD should ensure that its employees obtain language assistance services from qualified bilingual employees or contract interpretation services, and that employees use family members, friends, neighbors, or bystanders to interpret only in unforeseen, emergency circumstances while awaiting a qualified interpreter.

To ensure the accuracy of interpretation and translation services provided by bilingual employees, the CPD 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 something in one language and orally translating it 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 CPD could test employees' interpretation skills through oral review panels comprised of officers, language professors from local colleges or universities, and community group members who are competent to interpret, and could assess translation skills through written tests developed by these individuals.

As part of its training of employees on providing language assistance to LEP persons, the CPD should consider expanding its roll call training to include information on this issue. In doing so, the CPD may wish to show the enclosed training DVD *Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice*. Additionally, to ensure that officers have the necessary resources to obtain language assistance services for LEP individuals, the CPD may wish to consider providing officers in the field with cell phones.

In regard to written materials, while the CPD clearly has taken steps to make various documents and resources available to frequently-encountered LEP populations, it 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 CPD 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. The CPD should also implement quality control measures to ensure the accuracy of translated materials and to make sure that all of the information is being conveyed to LEP persons. As explained above, the ability of an individual to speak a foreign language does not necessarily mean that the individual has the skills to translate a document from English into the foreign language. The accuracy of translated materials could be ensured by having a second, independent translator, such as an officer, a professor from a local university, or a community member who has demonstrated competency in

translation, to verify the work of the primary translator. Or, the CPD may 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 CPD translates the “vital documents” and ensures their accuracy, it should then develop a strategy for distributing the materials to the relevant LEP communities.

The CPD also should post a sign(s) in the primary languages of the largest LEP populations in the lobby of its police stations and other places of public contact stating that on request, free language services are available. The CPD should make sure that important information available in English on its website is also available in the primary languages of the largest LEP populations, and should consider providing its non-emergency telephone message information in frequently-encountered languages, such as Spanish and Polish.

Regarding community outreach, the CPD is taking steps to reach out to LEP communities. To ensure that its outreach efforts are effective, the CPD should establish a mechanism for gathering community feedback on its provision of services to LEP individuals. For example, the CPD may want to develop a written survey of community groups serving LEP populations, or to convene a focus group of LEP individuals. The CPD also should consider holding separate meetings with each LEP community, perhaps in collaboration with community, business, and religious leaders representing the LEP population, so that the CPD can hear the LEP community’s unique concerns. The CPD should continue to work with ethnic media outlets to publicize these meetings and to inform LEP persons of the availability of free language assistance services and important resources.

D. Available Resources

The CPD’s fiscal year is the calendar year. According to the CPD’s data response and Annual Budget Report, its total operational budget in fiscal years 2004 and 2005 was \$1,071,814,273 and \$1,065,145,663, respectively. The CPD stated that it spent \$9,894 on language assistance services in 2004 and had budgeted \$19,400 for such services in 2005. However, during the onsite visit, the CPD informed OCR that this amount included professional and technical services provided to assist persons that are deaf and hard of hearing. The CPD also indicated that these figures do not include Language Line costs. During the onsite visit, OCR learned that OEMC spent \$507,957 for Language Line to provide language assistance to the CPD in 2004, and \$243,766 through the first six months of 2005. Additionally, Language Line charged the CPD \$571,489 for assisting on the non-emergency lines during the same eighteen-month period.

The CAPS unit and OPS budget allocations are eight and five million dollars respectively. At the time of OCR’s visit, neither office had set aside any amount for providing language assistance to LEP persons. During OCR’s onsite visit, the CPD indicated that its future initiatives include translating its closed captioning and CLEARpath, which will allow the CPD to send automated information, such as community alerts and beat meeting announcements, in 26

languages. However, as of the time of OCR's site visit, CPD had not set aside any funding for either initiative.

Along with Language Line, CPD bilingual employees serve as the CPD's principal resource for communicating with LEP persons. The CPD states in its data response that language skills are not taken into account when making recruiting, hiring, assignment, or promotion decisions. However, during the onsite visit, CPD officials stated that if two recruits are equal in all other respects except language skills, the CPD is more likely to select the bilingual applicant. The CPD also explained that it has undertaken some efforts to recruit bilingual officers by attending ethnic events that attract bilingual individuals; by advertising employment opportunities in ethnic newspapers; and by creating programs, such as the Ambassador Program, that encourage bilingual persons to apply.

To a lesser extent, the CPD also utilizes the services of local ethnic community centers or other community resources, such as the Chinese Mutual Aid Society, the Polish-American Congress, the Chinatown Chamber of Commerce, the Korean-American Chamber of Commerce, and Polish-speaking professors, to provide interpretation and translation services.

Recommendation

The CPD should undertake a review of its human and capital resources in assessing its response to the needs of its LEP population. One part of the assessment process should include gathering feedback from the local LEP service population. The CPD, in conjunction with the City of Chicago, should consider what steps it may need to take to attract more bilingual staff capable of interpreting and translating, particularly in some of the Asian languages. The CPD also should consider providing incentive pay or bonuses for CPD employees that interpret or translate.

To ensure that CPD employees utilize the available resources, the CPD also should explain to all employees that it has a contract with Language Line for telephonic interpreters. In determining the cost necessary to provide language assistance, the CPD should evaluate the recommendations contained in this Report. Finally, the CPD should continue to seek assistance from the community, businesses, and government to off-set financial costs for implementing language assistance measures.

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. The CPD already has in place many elements of an effective plan, but the CPD should make a concerted effort to formalize and strengthen some of its language assistance efforts.

A. Identifying LEP Individuals Who Need Language Assistance

The CPD has taken steps to chart the demographics not only for the City of Chicago as a whole but also for each of its 25 police districts. However, the CPD has no formal process to track its encounters with LEP persons. Completing a language assistance data form every time a CPD employee has an encounter with a LEP person will allow the CPD to identify better the various LEP populations in Chicago and track CPD's contacts with these populations.

B. Providing Information on Effective Language Assistance Measures

The CPD needs to identify the language services it has on hand to assist LEP persons. The language services may include some or all of the following: translated documents and online resources; certified bilingual staff; private contractors, including vendors that provide telephonic interpretation services; the foreign language faculties at nearby colleges and universities; certified interpreters and translators at other government agencies; social service-providers; community groups; and other volunteer organizations, including neighborhood associations and congregations.

The CPD has a large bilingual workforce. As long as the workforce is competent to provide language assistance, it is an efficient way to provide services to LEP individuals. However, because the CPD does not formally assess the competency of its in-house interpreters and translators, it needs to create some quality control procedures to ensure that its interpreters and translators are competent to perform these functions.

C. Training Staff

The CPD needs to train (or retrain) its staff on how to respond appropriately to LEP individuals in the various settings discussed in this Report. All CPD staff and recruits should receive practical in-service training on how to provide services to LEP persons, including how to obtain interpreters, translators, and translated documents. The CPD should increase its efforts to inform employees of available translated documents.

D. Providing Notice to LEP Persons

The CPD must notify LEP persons about the language services it provides. The CPD already has developed an extensive outreach effort that includes encouraging its LEP service population to access police services and notifying LEP persons of available language services. The CPD might further educate LEP groups on the language services it provides. To achieve this goal, the CPD should consider conducting outreach meetings with LEP populations where the entire agenda focuses on language assistance issues. The CPD also should consider working more closely with community groups that serve LEP populations. Also, the CPD could improve communication with its LEP service population by using ethnic print and broadcast media more often and posting

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appropriately translated public notices in places accessible to LEP persons. Minimally, the CPD should make a point to inform LEP persons that it offers free language assistance.

E. Monitoring and Updating the Plan

Once the CPD issues a language assistance plan, the CPD should establish a timetable for periodic reviews and updates.

Recommendation

The CPD should develop a comprehensive, written language assistance plan. In addition to the DOJ Guidance, the CPD may also find useful three other documents, Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance, Limited English Proficiency Resource Document: Tips and Tools from the Field, and a sample plan; all are available online at <http://www.lep.gov>. These documents should assist the CPD in preparing a language assistance plan or a general order on services to LEP persons. The OCR also suggests that the CPD name one person on staff to be responsible for coordinating services to LEP persons. This person's first task might be to review this report and OCR's recommendations to develop a formal language assistance plan that will become familiar to every employee at CPD.

Conclusion

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

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

Yours very truly,

/s/

Michael L. Alston
Director

Enclosure

cc: Sandra Brode
Chicago Police Department, Office of Legal Affairs