



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

CERTIFIED-RETURN RECEIPT REQUESTED

June 8, 2011

Chief of Police Steven M. Conrad
Glendale Police Department
6835 North 57th Drive
Glendale, Arizona 85301

Re: Compliance Review of the Glendale Police Department
Docket No. 10-OCR-0250

Dear Chief Conrad:

I am writing to report the findings of the compliance review of language services at the Glendale Police Department (GPD), conducted by the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice. The OCR would like to thank GPD staff, especially Program Administrator Jessica Blazina, for assisting OCR attorney Shelley Langguth during her June 23-24, 2010, onsite visit.

In my letter of March 16, 2010, I wrote to inform you that the OCR had selected the GPD 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 GPD's provision of services to people with limited English proficiency (LEP). An LEP person is an individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English.

In June of 2002, the U.S. Department of Justice published guidance for its financial aid recipients on taking reasonable steps to provide meaningful access to programs and activities for LEP persons in accordance with Title VI and the Safe Streets Act. *See* Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (2002) [hereinafter DOJ Guidance]. Using the technical assistance standards in the DOJ Guidance, the OCR initiated this compliance review to determine the extent to which the GPD is providing language services to LEP persons.

After a thorough evaluation of the GPD's services and activities, including the GPD's responses to the OCR's data requests and the information the OCR gathered during its review, which included interviews with department officials, command staff, sworn officers, and representatives from LEP communities, the OCR sent the GPD a draft Compliance Review Report on May 2, 2011, in accordance with 28 C.F.R. §§ 42.107(d)(2) and .206(e). In response to the draft Compliance Review Report, the GPD sent the OCR a letter dated May 27, 2011, providing some clarification regarding the scheduling of Spanish-speaking officers, the GPD's Community Action Teams, and taking an applicant's language skills into consideration. In accordance with the GPD's comments, the OCR slightly revised our discussion of these issues on pages 8, 9, and 11 of this Compliance Review Report.

In regard to the limited scope of our review, we conclude that the GPD is not fully in compliance with the requirements of Title VI and the Safe Streets Act, although it is taking steps to provide LEP persons with meaningful access to police services. The GPD should build on these steps and take further action consistent with the recommendations contained herein to ensure that it is meeting its obligations under Title VI and the Safe Streets Act. The following Compliance Review Report contains recommendations based on the DOJ Guidance that the GPD 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 GPD's obligation to provide LEP services and then reviewing the elements that the GPD 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 GPD, the OCR offers the following observations and recommendations.

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

The GPD divides the City of Glendale into the following patrol divisions: the Gateway Patrol Division, which is comprised of Patrol Zones 20 and 30, and the Foothills Patrol Division, which

is comprised of Patrol Zones 40 and 50.¹ Based on recent data from the U.S Census Bureau, in 2009, the City of Glendale had an estimated population of 233,482 residents age five and older; of this group, 165,243 spoke English only, and 68,239 (29%) spoke a language other than English. U.S. Census Bureau, American FactFinder, 2009 American Community Survey, Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Glendale city, Arizona at <http://factfinder.census.gov>. Of the 233,482 residents age five and older, 56,178 (24%) spoke Spanish, with 20,214 speaking English less than “very well,” which the OCR considers LEP. *Id.* This data further indicates that 5,688 residents age five and older spoke other Indo-European languages, with 1,864 speaking English less than “very well;” 4,334 spoke Asian and Pacific Island languages, with 2,604 speaking English less than “very well;” and 2,039 spoke other languages, with 1,179 speaking English less than “very well.” *Id.*

In its response to the OCR’s data request, the GPD stated that it does not track the languages that are spoken by individuals residing in a particular patrol division. During the OCR’s onsite interviews, GPD command staff and patrol officers told the OCR that the most prevalent foreign language that they encounter is Spanish, and that they have also encountered individuals who speak Somali, Korean, Romanian, Russian, Farsi, Chinese, Arabic, and Polish. The officers said that the majority of the city’s Spanish-speaking population resides within the Gateway Patrol Division, and that very few Spanish speakers are served by the Foothills Patrol Division.

Recommendation

The GPD should review the latest data from the U.S. Census Bureau to determine more accurately the language assistance needs of its service population. In addition to U.S. Census Bureau data, many police departments have found helpful the data collected by local school districts on the languages spoken by enrolled students in a given area. This data provides information on the foreign language groups in a particular area and their relative size. The GPD 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 GPD’s Communications Unit partially relies on Language Line Services, a private vendor that provides telephonic interpretation in over 150 languages. During the OCR’s onsite visit, GPD command staff and employees said that GPD officers and civilian employees also have the option of utilizing Language Line from the field or police facilities.

Based on monthly reports that the GPD receives from Language Line, the GPD provided the OCR with a summary of the services that Language Line provided to the GPD from January 1,

¹The GPD operates out of the following three police stations: a main station in downtown Glendale, and two substations located within the Gateway Patrol Division and the Foothills Patrol Division. The OCR understands that the main station is located within the Gateway Patrol Division.

2008 to March 31, 2010, along with a summary of services that the telephonic contractor Omni Lingual Services provided from January 1 to July 31, 2008.² This summary demonstrates that the GPD contacted Language Line and Omni Lingual Services on 3,025 occasions during this timeframe. The GPD was able to determine the exact language involved in 2,957 of these calls;³ 2,846 (96%) of those calls involved interpretation in Spanish, and 51 (1.7%) calls involved interpretation in Arabic. The remaining calls involved interpretation in a variety of languages, including Swahili, Vietnamese, Serbian, Farsi, French, Romanian, and Russian. Aside from the data obtained from Language Line and Omni Lingual Services, the GPD does not otherwise collect information on contacts with LEP individuals.

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

Recommendation

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

² During the OCR's onsite visit, GPD command staff explained that the GPD ended its contract with Omni Lingual Services in July 2008.

³ The GPD indicated in its data response that the invoice from Language Line covering the period of August 1 to 30, 2009, only lists the total numbers of calls placed, and does not specify the language involved in each call.

how the GPD provided language assistance. The GPD should then tabulate all of the data on an annual basis to determine the language needs of its LEP service population.

C. Important Public Services to LEP Individuals

1. Emergency and Non-Emergency Calls

The GPD's Communications Unit receives all incoming 911 calls for police, fire, and emergency medical services, and transfers calls relating to fire and emergency medical services to the Phoenix Fire Department Regional Dispatch Center. The GPD's Communications Unit also receives all non-emergency calls for police services. As of the time of the OCR's onsite visit, the Communications Unit employed 42 call takers and dispatchers; according to the Communications Unit command staff, employees are cross-trained to serve as either a call taker or a dispatcher. The command staff told the OCR that six of these employees are Spanish-speaking and are certified through the GPD's Bilingual Pay Incentive Program, and that one employee speaks Romanian. (*See* Section I.C.7 of this Compliance Review Report for a discussion of the GPD's Bilingual Pay Incentive Program.)

The GPD General Order 70, entitled "Communications," contains a section on responding to LEP callers. General Order 70 states that if a call taker encounters a non-English speaking caller, the call taker should first check to see if there is a certified bilingual call taker available to handle the call, and if not, the call taker should contact Language Line for telephonic interpretation services. According to the General Order, a call taker shall not indicate in the call notes that an individual is non-English speaking; during the OCR's onsite visit, Communications Unit command staff said that the GPD plans to revise this language, and that call takers do indicate in the call notes if a caller is LEP. The command staff and a call taker with whom the OCR spoke confirmed that General Order 70 accurately conveys the procedures for communicating with an LEP caller, and said that dispatchers will attempt to send a bilingual officer to the scene when the caller is LEP. The call taker said that the Communications Unit receives a daily line-up of the officers who are on duty which lists any foreign languages that an officer speaks.

2. Field Encounters and Walk-Ins

In response to the OCR's data request, the GPD said that officers communicate with LEP individuals during field and walk-in encounters by utilizing bilingual employees to provide interpretation and by contacting Language Line. During the OCR's onsite visit, GPD command staff explained that officers will contact bilingual officers directly to request interpretation, or will contact the Communications Unit to request an appropriate bilingual officer. The command staff said that the Communications Unit employees and all GPD sergeants and lieutenants receive a daily line-up which lists the officers who are on duty and indicates whether an officer speaks a foreign language. According to the command staff, patrol officers can access this list on their

computers. The command staff also noted that the GPD has used bilingual employees from other City of Glendale agencies to provide interpretation.

During the OCR's onsite interviews, the patrol officers with whom the OCR spoke said that if they encounter an LEP person in the field, they obtain language assistance from a bilingual GPD officer, a bilingual employee from another city department, Language Line, or a friend or family member of the LEP individual. The officers told the OCR that if they are aware of a particular officer who speaks the needed language, they contact that officer directly over the phone; otherwise, the officers utilize the radio to request assistance from any officer who speaks the needed language or to request that the Communication Unit locate an appropriate bilingual officer. Several officers also reported obtaining language assistance services from bilingual employees from other city departments, such as the Public Works Department. The officers noted that several other city departments share the same radio frequency as the GPD, and that bilingual employees will hear the request for an interpreter and respond as needed. One officer with whom the OCR spoke stated that he has contacted outside agencies such as the American Graduate School and Catholic Social Services to obtain an interpreter.

Several officers reported using Language Line to communicate with LEP individuals in the field, and provided examples of situations where they used Language Line to communicate with individuals who spoke Arabic, Romanian, Vietnamese, and Polish. According to patrol officers and Communications Unit command staff, when an officer requires the assistance of Language Line, the officer calls the Communications Unit and the Communications Unit either transfers the call or provides the officer with the GPD's client identification number so that the officer can directly contact Language Line.

Regarding the use of family members, friends, or bystanders to interpret, the GPD stated in its response to the OCR's data request that GPD employees may use such individuals to interpret in a variety of occasions, such as to get preliminary information on the scene and to determine whether an individual is injured. During the OCR's onsite visit, many of the officers whom the OCR interviewed confirmed using family members, including children, or friends or bystanders to interpret in minor situations. The employees identified several situations where they would not use a friend, family member, or bystander to interpret, including a situation involving a serious crime such as homicide or sexual assault, or if the friend, family member, or bystander was a witness or a suspect in the crime. Several officers reported using hand gestures to communicate with an LEP individual.

According to the officers and civilian employees interviewed by the OCR, if an LEP individual walks into a substation or calls a substation for assistance, the GPD will communicate by locating a bilingual officer at the station, contacting Language Line, contacting a bilingual employee from the Records Department, or relying upon a friend or family member of the LEP individual. At the time of the OCR's onsite visit, the front desk officer at the GPD's main station spoke Spanish, but the secretaries at the two substations were monolingual.

3. Interviews and Interrogations

During the OCR's onsite visit, command staff from the GPD's Criminal Investigations Division (CID) said that the CID uses certified Spanish-speaking employees participating in the Bilingual Pay Incentive Program to conduct interviews or interrogations of Spanish-speaking LEP individuals. The command staff said that detectives first attempt to locate a certified Spanish-speaking employee within the particular unit that is conducting the interview or interrogation, and then within the CID. If a certified Spanish-speaking employee within the CID is not available, the detectives utilize a certified Spanish-speaking patrol officer or detention officer. At the time of the OCR's onsite visit, the CID had approximately eight certified Spanish-speaking CID detectives, out of a total of approximately 105 CID employees. If a certified Spanish-speaking GPD employee is not available or if the LEP individual speaks a language other than Spanish, then detectives contact Language Line to provide interpretation over the phone or in person. Additionally, one commanding officer with whom the OCR spoke reported using a bilingual officer from the Phoenix Police Department to interview an LEP individual who spoke an Asian dialect.

According to the CID command staff and to patrol officers with whom the OCR spoke, GPD detectives and patrol officers all carry a card with them listing the Miranda Warnings in English and Spanish.

4. Arrests and Detention

According to the GPD's response to the OCR's data request and the patrol officers with whom the OCR spoke, when arresting an LEP individual, GPD officers obtain language assistance services from a bilingual GPD employee or from a bilingual employee from another city department. If an appropriate bilingual employee is not available, officers contact Language Line. As discussed above, GPD officers have a card listing the Miranda Warnings in English and Spanish.

Once a GPD officer arrests an individual, the arresting officer brings the individual to the Glendale City Jail located at the GPD main station. The GPD temporarily detains individuals at the Glendale City Jail until the initial court appearance; following the initial court appearance, the GPD transports individuals to the 4th Avenue Jail operated by the Maricopa County Sheriff's Office. Once the GPD transports an individual to the 4th Avenue Jail, the GPD relinquishes control of the individual and detention services are provided by the Maricopa County Sheriff's Office. During the OCR's onsite visit, GPD command staff at the Glendale City Jail told the OCR that individuals may be detained at the Glendale City Jail for up to 28 hours, and that the average length of detention is 18 hours.

The command staff told the OCR that if an inmate is LEP and speaks Spanish, the GPD uses Spanish-speaking detention officers to communicate, and if a Spanish-speaking detention officer

is not available, the officers broadcast a request for a Spanish-speaking officer over the radio. At the time of the OCR's onsite visit, six Spanish-speaking officers were assigned to the Glendale City Jail, and two of these officers were certified through the GPD's Bilingual Pay Incentive Program. The command staff said that there is a Spanish-speaking officer on every shift at the Glendale City Jail. The command staff further said that the GPD has temporarily detained individuals who spoke languages other than Spanish such as Farsi and French, but that those detainees were able to communicate in English, and that the detention officers have never had to use Language Line. According to command staff, a detention officer may use another inmate to communicate with a LEP detainee in the case of an emergency, such as to obtain information regarding any medical needs.

If an inmate is Spanish-speaking, a detention officer places a stamp on the booking form which notes that the inmate is Spanish-speaking; if an inmate speaks a language other than English or Spanish, the officer will write on the booking form the language spoken. The command staff said that a detention officer will notify the court prior to the initial appearance that an interpreter is needed for any LEP inmate.

5. Complaints

The GPD provided the OCR with its General Order relating to the processing of complaints alleging police misconduct; this document does not address the processing of complaints from LEP individuals. *See* GPD General Order 22.120, Disciplinary Investigation. Based on General Order 22.120 and the information gathered during the OCR's onsite visit, the OCR understands that members of the public can complain of alleged police misconduct in person, over the telephone, in writing, or over the internet. The GPD has a brochure entitled "A Guide to the Citizen Commendation and Complaint Process" which contains a Citizen Commendation and Complaint Form that individuals can complete and submit to the GPD's Professional Standards Unit (PSU). This brochure is available in English and in Spanish, and individuals may obtain the brochure at GPD facilities or from officers in the field. The GPD's website, www.glendaleaz.com/police, contains a Citizen Complaint Form that individuals can print out and fax, mail, or hand deliver to the PSU; this form is only posted in English. Additionally, individuals can complete and submit an on-line complaint form on the GPD's website. The PSU command staff with whom the OCR spoke said that individuals may also submit complaint letters to the GPD. Depending on the nature of the complaint, complaints are investigated by either the employee's supervisor or the PSU; the OCR understands that a supervisor investigates minor complaints such as allegations of rudeness or poor customer service, and the PSU investigates more serious allegations such as discrimination or excessive force.

During the OCR's onsite visit, PSU command staff told the OCR that the PSU has received complaints from Spanish-speaking LEP complainants, and that the PSU used bilingual GPD officers to provide interpretation. The command staff said that for confidentiality reasons, the PSU tries to use bilingual supervisors to provide interpretation. At the time of the OCR's onsite

visit, the PSU did not employ any Spanish-speaking officers; however, the command staff said that the PSU has previously employed certified Spanish-speaking officers. The command staff stated that the PSU has never had a LEP complainant who spoke a language other than Spanish, but that if it did, it would use Language Line to communicate. The PSU sends letters to complainants acknowledging receipt of the complaint and notifying complainants of the outcome of the investigation; the command staff did not recall the PSU ever sending these letters in a language other than English. The telephone recording for the PSU's complaint hotline is currently in English; however, the command staff said that the PSU intends to add a recording in Spanish.

During the period of January 1, 2008 to May 21, 2010, the GPD reported that it received one complaint from the public containing an allegation of ineffective communication with an LEP individual. In this complaint regarding a June 7, 2009, incident, the Spanish-speaking complainant alleged that GPD officers used excessive force against her; in describing what occurred to the PSU investigator, the complainant stated that the officers did not understand her because they did not speak Spanish. The PSU exonerated the officers on the allegations of excessive force; the PSU's finding did not specifically address the Complainant's assertions that the officers could not understand the information she was conveying. Based on the PSU's investigative report, it appears that when the officers initially encountered the complainant she began speaking Spanish to them and became physically aggressive toward the officers, and that after the officers subdued the complainant they obtained a Spanish-speaking officer from the city's Parks and Recreation Department to come to the scene and provide interpretation.

6. Community Outreach

The GPD reaches out to LEP populations by having Spanish-speaking officers present at community meetings and by working with media outlets that serve LEP populations. The GPD has two Community Action Teams (CAT) comprised of one officer and two-to-three civilian employees who meet periodically with community organizations and residents to provide crime prevention presentations on topics such as personal safety, burglary, auto theft, when to call 911, and identity crimes. The GPD command staff and patrol officers with whom the OCR spoke said that the GPD will often have Spanish-speaking officers present at these meetings to provide the presentations in Spanish or to serve as an interpreter for Spanish-speaking attendees. In its response to the OCR's data request, the GPD provided a list of apartment complexes and churches that one CAT has met with; during the OCR's onsite visit, command staff said that the GPD either used a Spanish-speaking officer or a Spanish-speaking employee from the church or the residential management company to provide interpretation. The GPD also indicated in its data response that Spanish-speaking officers have provided interpretation at neighborhood watch meetings, and that the GPD participates in an educational seminar at the Graduate School each semester for students from other countries and where the Graduate School provides an interpreter as necessary. During the OCR's onsite interviews, several officers also indicated that Spanish-speaking officers have provided crime prevention presentations in Spanish to local schools.

The GPD's Public Information Office (PIO) is responsible for issuing press releases regarding GPD services and activities. During the OCR's onsite visit, GPD command staff told the OCR that the PIO disseminates information to several media outlets that serve Spanish-speaking communities, such as a Spanish-speaking radio station and the newspaper *La Voz*, and that these media outlets relay the information in Spanish.

During the OCR's discussions with community representatives serving LEP populations, one representative commended the GPD for have a large number of Spanish-speaking officers, and said that she is aware of situations where a monolingual GPD officer located a Spanish-speaking officer to communicate with Spanish-speaking victims of domestic violence. The representative said that she is also aware that the GPD conducts presentations and meetings in Spanish for Spanish-speaking community members.

7. General Language Services

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

a. Oral Language Services

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

As previously noted in this Compliance Review Report, the GPD uses the telephonic interpreter Language Line to respond to telephone calls from LEP persons, and GPD officers in the field may also use this service during face-to-face encounters. Several patrol officers with whom the OCR spoke reported using Language Line to provide telephonic interpretation in various languages including Arabic, Romanian, Vietnamese, and Polish. Additionally, command staff recalled using in-person interpreters from Language Line to provide interpretation during interrogations and interviews with LEP individuals.

For non-telephonic encounters with LEP persons, GPD officers generally obtain language assistance services from a bilingual employee with the appropriate language skills, either by calling the bilingual employee directly or broadcasting a request over the radio. The GPD offers language skills assessment and additional compensation to Spanish-speaking bilingual employees under the Bilingual Pay Incentive Program (BPIP). The OCR understands that various City of Glendale departments develop and implement their own assessment programs under the BPIP, and that the GPD's BPIP is administered by the GPD's Administration Bureau, Personnel Management Unit. The GPD's BPIP is governed by City of Glendale Human Resources Policy

No. 301 and the memorandum of understanding between the GPD and the sworn officers' collective bargaining unit, and is open to a maximum of 50 sworn and non-sworn GPD employees. To qualify for participation in the BPIP, employees must be serving in a position that requires regular or occasional interaction with the public in a language other than English and must successfully complete a competency examination. During the OCR's onsite visit, GPD command staff explained that a panel of six sworn and civilian employees who are native Spanish speakers conduct an oral assessment of an applicant's language proficiency in the areas of general conversation; law enforcement vocabulary, commands, and phrases; and several role-playing scenarios. The command staff told the OCR that the BPIP is currently only open to individuals who speak Spanish, and that the GPD does not have any plans to include additional foreign languages. Successful sworn officers receive an additional \$100.00 per month, and civilian employees receive an additional \$75.00 per month for regular interaction with the public in Spanish and an additional \$35.00 per month for occasional interaction in Spanish.

At the time of the OCR's onsite visit, 20 Spanish-speaking sworn officers and 13 Spanish-speaking civilian employees were participating in the BPIP, representing approximately 6% of the GPD's 576 employees. During the OCR's onsite interviews, command staff and patrol officers said that the GPD employs bilingual officers who speak languages other than Spanish and who are not participating in the BPIP, including officers who speak Russian, Bosnian, Czech, Mandarin, Hungarian, and German. The GPD command staff told the OCR that the Communications Unit employees and all GPD sergeants and lieutenants receive a daily line-up of officers which indicates if an officer speaks a foreign language, and that patrol officers can access this list on their computers. However, none of the patrol officers with whom the OCR spoke reported being able to access this list directly. The GPD provided the OCR with a sample of a daily line-up; if an officer speaks a foreign language, the name of that language may be listed in the column where an officer's specialties are listed. The GPD told the OCR that all Spanish-speaking officers participating in the BPIP list their language skills on the daily line-up, and that other bilingual officers may also chose to list any foreign languages spoken. On the daily line-up provided to the OCR, several officers had "Spanish" listed under their specialties, and one officer had "German" listed. Other than the daily line-ups, it does not appear that the GPD maintains and disseminates a list of bilingual officers or civilian employees.

The GPD said in its data response that it takes an applicant's language skills into consideration when making hiring decisions, but that it is not the sole consideration. The majority of bilingual employees with whom the OCR spoke said that providing language assistance does not interfere with their ability to complete their own assignments. However, one officer said that providing language assistance services to other employees does interfere with the officer's ability to complete necessary paperwork in a timely manner. As for recruiting bilingual officers, GPD command staff told the OCR that the GPD attempts to recruit Spanish-speaking officers by advertising for positions in Spanish-language newspapers and publications.

According to the command staff and officers with whom the OCR spoke, employees may also use bilingual employees from other city departments to provide interpretation. As discussed previously in this Compliance Review Report, several other city departments share the same radio frequency as the GPD, and bilingual employees from these departments may hear a request for an interpreter and respond as needed. Several officers reported obtaining language assistance services from bilingual employees from other departments, such as the Public Works Department or the Parks and Recreation Department. Additionally, one officer with whom the OCR spoke stated that he has contacted outside agencies such as the American Graduate School and Catholic Social Services to obtain an interpreter, and one officer recalled using a bilingual officer from the Phoenix Police Department to provide interpretation.

Regarding the use of family members, friends, and bystanders to interpret, as explained in Section I.C.2 of this Compliance Review Report, the GPD employees reported using these individuals to interpret in minor situations, such as to obtain preliminary information or during a non-criminal manner. The employees identified several situations where they would not use a friend, family member, or bystander to interpret, such as if the situation involved a serious crime, or if the friend, family member, or bystander was a witness or a suspect in the crime.

Based on the OCR's interviews with command staff and employees, the OCR understands that the GPD instructs employees on the procedures for providing language assistance services during periodic roll-call training and field officer training. The offices stated that this training addresses how to access Language Line and how to locate bilingual employees. In its response to the OCR's data request, the GPD provided information demonstrating that beginning in 2010, all GPD employees will be rated on the core competency entitled "diversity" during performance reviews, which includes the listed element of obtaining a qualified interpreter during the provision of services to alleviate any language barriers. During the OCR's onsite visit, GPD command staff said that sometime in 2009, all employees received a written bulletin discussing this core competency. The command staff also said that the City of Glendale discusses diversity during new employee orientation training, although the command staff did not know if this discussion addresses the provision of language assistance services. According to the GPD's response to the OCR's data request, in March 2010 all GPD employees received and were required to review the most recent version of GPD General Order 70, Communications, which contains a section on Language Line.

b. Written Language Services

In its response to the OCR's data request, the GPD stated that based on the large population of Spanish-speaking residents within the City of Glendale, the GPD has translated many of its written documents into Spanish. The GPD provided the OCR with copies of the following documents that have been translated into Spanish: an auto theft affidavit; a brochure on identity theft; a brochure on the citizen commendation and complaint process, which contains a commendation and complaint form; a brochure on the city's community mediation program; a

brochure on the Arizona Automobile Theft Authority; an implied consent affidavit; a brochure on crime victims' rights; a field information card; a booklet on the National Center for Victims of Crime; a booklet and a pamphlet on the National Domestic Violence Hotline; a bookmark regarding National Missing Children's Day; a brochure on the Arizona Coalition Against Domestic Violence Legal Advocacy Hotline; a booklet from the Governor's Office for Children, Youth and Families on domestic violence; a pamphlet on human trafficking; a pamphlet on domestic violence safety plans; a pamphlet on the victims' compensation fund; a pamphlet on domestic violence; impound vehicle instructions; and a pamphlet regarding services provided by the Glendale Family Advocacy Center. The OCR understands that many of these brochures and booklets were produced by other agencies and provided to the GPD for distribution. Additionally, as discussed in Section I.C.3 of this Compliance Review Report, the GPD supplies its officers with cards containing the Miranda Warnings in English and Spanish.

According to the GPD's response to the OCR's data request, the GPD uses the City of Glendale's qualified vendors to translate written materials produced by the GPD. Additionally, one officer with whom the OCR spoke said that he has translated flyers into Spanish regarding upcoming community events. During the OCR's onsite visit to the Foothills Patrol Division substation and the Gateway Patrol Division substation, the OCR observed several forms and pamphlets in Spanish available to the public. Specifically, at the Foothills Patrol Division substation, the OCR observed pamphlets on hate crimes and on auto theft, and at the Gateway Patrol Division substation, the OCR observed a document on the Arizona Crime Victims' Rights, a pamphlet on domestic violence, a pamphlet on the victims' compensation program, a pamphlet on hate crimes, a pamphlet on domestic violence safety plans, a pamphlet on home evacuation, and a door handle flyer on the gunshot location alert system. Several officers with whom the OCR spoke reported carrying documents that had been translated into Spanish with them in the field to distribute to the community, such as a card with the Miranda Rights warnings; pamphlets on victims' rights, domestic violence, and identify theft; a stolen vehicle affidavit; and a blood draw consent.

As for signage, the GPD has signage in Spanish outside of the main station providing directions to the jail and to the bond-out area, along with signs in Spanish inside the main station instructing individuals to wait for assistance, directing individuals to the bond-out area, and providing information on requesting police reports. There is also a sign in Spanish in the Glendale City Jail instructing inmates to notify a detention officer if they are sick or injured. At the Gateway Patrol Division substation, the OCR observed a poster in Spanish regarding the West Valley Advocacy Center, along with a sign by the front desk instructing individuals to use the call phone outside if no one is at the front desk. None of the GPD's facilities contain any signage notifying the public that free language assistance services are available.

The GPD's website, www.glendaleaz.com/police, contains an auto theft investigation supplement and auto theft investigation supplement mail-in affidavit in Spanish; other than these documents, all of the information and documentation on the GPD's website is in English.

Recommendations for the GPD

The GPD is currently taking active steps to communicate with the City of Glendale's Spanish-speaking population, such as by employing Spanish-speaking officers and translating various forms and documents into Spanish. However, the GPD should build on these steps to provide even more effective language assistance to LEP individuals. As an initial matter, the GPD should establish a comprehensive, written plan on providing services to LEP persons in a variety of contexts, including field and walk-in encounters, interviews and interrogations, arrests, complaint processing, and community outreach. In these protocols, the GPD should advise employees to obtain language assistance services from qualified bilingual employees, Language Line, qualified bilingual employees from other city departments, or other identified resources, and that employees should use family members, friends, or bystanders to interpret only in unforeseen, emergency circumstances while awaiting a qualified interpreter.

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

The GPD is currently taking positive steps to recruit employees and to ensure that its language assistance services are accurate and reliable by offering bilingual Spanish-speaking employees the opportunity to participate in the BPIP. As of March 31, 2010, 33 Spanish-speaking employees were participating in the BPIP, representing 6% of the GPD's 576 employees. Given this relatively small number and the size the City of Glendale's Spanish-speaking LEP population, the GPD should increase its efforts to recruit more Spanish-speaking officers. The GPD should also expand its BPIP to include other foreign languages that the GPD encounters, such as Somali, Romanian, Russian, Farsi, Korean, Chinese, Arabic, and Polish, and should take active steps to recruit employees who speak these languages.

While the daily line-up of officers lists the officers who speak a foreign language, it does not appear that patrol officers or civilian employees have direct access to the daily line-up, or that it indicates whether an officer is certified under the BPIP. The GPD should ensure that the daily line-ups specifically indicate if an officer is certified under the BPIP, and that all GPD employees

have access to these line-ups. The GPD may also wish to compile and distribute to employees a separate list of all sworn and civilian employees who have foreign language skills, notifying the language spoken and whether the employee is participating in the BPIP. Additionally, the GPD may wish to obtain and distribute to employees a list of bilingual employees from other city departments, noting whether an employee is certified through the department's BPIP.

In regard to written materials, while the GPD has translated numerous documents into Spanish, the GPD 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 GPD should perform an inventory of all of its written materials, identify the documents it considers "vital," and translate these documents into the languages that meet the safe harbor threshold. Based on the 2009 Census data, it appears that the Spanish-speaking LEP population of the City of Glendale clearly meets the 1,000 person safe harbor threshold. Although the data is less clear for other language groups, their presence may also meet the safe harbor threshold. The GPD should take steps to translate all of its vital documents into the languages that meet this threshold, such as any documents relating to a citizen's rights or the provision of consent.

The GPD's continued use of the city's qualified vendors to translate documents is a good way to ensure the accuracy of translated materials. If the GPD utilizes bilingual employees to translate any written materials, such as community flyers, it should implement quality control measures to ensure the accuracy of translated materials and to make sure that all of the information is being conveyed to LEP persons. The accuracy of translated materials could be ensured by having a second, independent translator, such as an officer, a professor from a local university, or a community member who has demonstrated competency in translation, to verify the work of the primary translator. The GPD 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 GPD translates the vital documents and ensures their accuracy, it should then develop a strategy for distributing the materials to the relevant LEP communities. The GPD should also post signage in the primary languages of its largest LEP populations in the lobbies of its police stations and other places of

public contact stating that on request, free language services are available. The GPD should also take steps to ensure that important information regarding GPD services available in English on the GPD's website is also available in Spanish.

Regarding community outreach, the GPD is already taking steps to build relationships with LEP communities, such as by having the PIO distribute press releases to media outlets serving Spanish-speaking populations and by having Spanish-speaking officers conduct presentations in Spanish or serve as interpreters during community meetings and events. To ensure that its outreach efforts are effective, the GPD should establish a mechanism for gathering community feedback on its provision of services to LEP individuals. For example, the GPD may want to develop a written survey of community groups serving LEP populations, or to convene a focus group of LEP individuals. The GPD may also consider holding separate meetings with each LEP community, perhaps in collaboration with community, business, and religious leaders representing the LEP population, so that the GPD can hear the LEP community's unique needs regarding outreach. The GPD should continue to work with ethnic media outlets to relay public safety information to the public, and should use these outlets to publicize community meetings and to inform LEP persons of the availability of free language assistance services and other important resources.

D. Available Resources

The GPD's fiscal year is from July 1 to June 30. According to the GPD's data response, the GPD budgeted a total of \$67,699,017.00 for operational expenses in fiscal year 2008, of which it spent \$11,802.36 on language assistance services from Language Line and Omni Lingual Services and \$31,178.00 on additional compensation for employees participating in the BPIP. In fiscal year 2009, the GPD budgeted a total of \$78,971,387.00 for operational expenses, and spent \$7,133.38 on Language Line expenditures and \$35,331.00 on additional compensation for certified bilingual employees. For fiscal year 2010, the GPD budgeted a total of \$70,785,250.00 for operational expenses, and through March 31, 2010, spent \$1,916.42 on Language Line expenditures and \$9,530.00 on additional compensation for certified bilingual employees. The GPD did not provide information on the expenditures that it incurred to have vendors translate documents into Spanish.

In addition to Language Line, bilingual employees serve as the GPD's primary means of communicating with LEP individuals. As discussed previously in this Compliance Review Report, the GPD provides sworn officers participating in the BPIP an additional \$100.00 per pay period, and civilian employees an additional \$75.00 or \$35.00 per pay period, depending on how frequently the employee interacts with the public in Spanish.

Recommendation

The GPD 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 GPD can provide more effective language assistance services, as discussed on pages 15-16 of this Compliance Review Report. The GPD should also work with community groups serving LEP populations to determine what additional steps it can take to attract more bilingual employees capable of interpreting in a variety of foreign languages, including Somali, Romanian, Russian, Chinese, Korean, Farsi, Arabic, and Polish. The GPD should utilize local community groups serving LEP populations to identify all of the community resources that are available to provide cost-effective and reliable language assistance services to the city's LEP populations. For example, the OCR spoke with a representative of the Arizona Asian American Association located in Phoenix, who indicated that this organization is comprised of members who speak a variety of Asian dialects and who may be available to provide interpretation services for the GPD. Information on the Arizona Asian American Association may be found at www.aaaa-az.org.

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 GPD 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 GPD 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 number of written language assistance plans developed by other law enforcement agencies and approved by the DOJ. These documents are available online at <http://www.lep.gov>, and should assist the GPD in preparing a language assistance plan or a general order on services to LEP persons. The OCR also suggests that the GPD 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 the GPD.

Chief of Police Steven M. Conrad
June 8, 2011
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Conclusion

This letter serves as notice that OCR has made a preliminary determination that the GPD appears to be taking steps to provide meaningful access to its programs and activities to LEP persons. However, the GPD must build on these steps to ensure compliance with Title VI. On request, the OCR is available to provide technical assistance to the GPD in implementing its recommendations and formulating 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

Enclosures

cc: Jessica Blazina
Program Administrator