

MPD Provision of Police Service To Persons With Limited English Proficiency (LEP)

(Latest Update February 2013)

Recommendation	Status
<p>MPD should develop a written policy statement that unequivocally affirms the agency's commitment to providing language assistance to LEP individuals in order to ensure that persons with LEP have meaningful access to MPD's services. The policy statement, in addition to voicing support for equalizing the treatment of LEP individuals, should emphasize the legally binding, nondiscretionary nature of this duty. The policy statement should then be included in MPD's language access plan, in any new or revised language access directives, and in all language access-related training materials.</p>	<p>Adopted. MPD published GO-SPT-304.18 (Language Access Program) on September 15, 2010, which incorporates both PCB's and DOJ's recommendations and a policy statement. MPD then provided related training to its officers on the new general order and its requirements. In addition, MPD has implemented a training curriculum through its online training system. The Department provided the following courses, which were each completed by an average of over 2400 employees: Language Line Services Training, Language Access Act Training, and Diversity in the Workplace. MPD has a Language Proficiency Certification program with Language Line to certify members, and contracts for the translation and interpretation of vital documents as well as sign language services. MPD reports also capturing information on which languages it serves for citizens filing police reports and providing more detailed information in quarterly reports.</p>
<p>Include in MPD's forthcoming language access general order clear, specific guidance for officers regarding: 1) how to recognize the need for LEP assistance 2) the mandatory legal obligation to provide such assistance, and 3) step-by-step instruction on how, <i>particularly during field encounters with LEP individuals</i>, to employ the various language assistance services currently available. A binding directive that that brings together all of the relevant information would clarify for officers how to handle field stops and routine encounters with LEP individuals. The new general order should:</p> <ul style="list-style-type: none"> - define "LEP;" - explain that LEP individuals may be able to communicate on a basic level but warn that it is easy to overestimate an LEP person's English comprehension skills; - require officers to provide language assistance to anyone who meets the objective criteria of having difficulty communicating and/or understanding and to anyone who specifically requests language assistance; - discourage officers from relying on family members, friends, or bystanders except in exigent circumstances; and - instruct officers to err on the side of providing language assistance when in doubt. 	
<p>With respect to which services to provide, the general order should outline the services and techniques available to be used, such as MPD-certified interpreters and interviewers, the Language Line, qualified outside interpreters, and translated documents. The step-by-step instruction contained in the teletypes and "Dispatch" articles should be included. This directive also should inform officers of any preferable order in which the services should be accessed and spell out when the provision of particular services is mandatory.</p>	

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<p>Enhance LEP training by including in MPD’s cultural competency and diversity training a segment that provides step-by-step review of how to identify and provide language assistance to LEP individuals, particularly during field encounters. Additionally, refine MPD’s mandatory online LEP training course to more clearly distinguish between officers’ mandatory legal obligation to provide language assistance to LEP individuals and voluntary customer service standards. In addition, include a section in its cultural competency training on assisting persons with LEP. Finally, the mandatory MPD online LEP training course should be modified to make clearer the legal obligation under Title VI and the Language Access Act to provide language assistance to the LEP community so that officers will understand that it is mandatory, not discretionary, to offer language assistance where it is needed.</p>	
<p>Adopt and incorporate the recommendations made by DOJ in its compliance review and those made by OHR in its 2008 ruling in <i>OHR v. MPD</i> (08-264-LA).</p>	
<p>Consider and utilize the federal, state, and municipal resources identified in the Best Practices section of this report to update and revise MPD’s LEP plan, directives, and training. For example, review the DOJ planning tool and the LEP departmental directives that have been adopted in Philadelphia, San Francisco, and New Jersey, as these serve as clear, relevant examples of how to incorporate and implement many of the improvements recommended by DOJ and OHR.</p>	<p>Adopted. Although MPD has not reported on whether it considered or used the resources identified in the “Best Practices” section of PCB’s report and recommendation, MPD states that its review of such practices is ongoing and considers best practices in developing both Departmental policy and training of its officers.</p>