



# Title VI Program Compliance Plan

Federal Motor Carrier Safety Administration FFY 2020



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT**



**TITLE VI PROGRAM COMPLIANCE PLAN**

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Submitted to:

**Federal Motor Carrier Safety Administration**  
District of Columbia Division Office  
1990 K Street NW, Suite 510  
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**Federal Fiscal Year 2020**



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## **I. INTRODUCTION**

No person shall on the grounds of race, color, national origin, sex, age, low income, and Limited English Proficiency (LEP), as provided by Title VI of the Civil Rights Act of 1964, to include statutory/regulatory authorities cited in The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Metropolitan Police Department (MPD) sponsored program or activity related to grant funding received from the United States Department of Transportation (DOT)/Federal Motor Carrier Safety Administration (FMCSA).

Additionally, in accordance with D.C. Official Code § 2-1401, et.seq. (District of Columbia Human Rights Act), (MPD) members shall not discriminate, either in the enforcement of the law, or in the provision of police service, on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity and expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense and place of residence or business.

### **MPDC: Mission and Value Statement**

#### **Mission of the Metropolitan Police Department**

It is the mission of the Metropolitan Police Department to safeguard the District of Columbia and protect its residents and visitors with the highest regard for the sanctity of human life. We will strive at all times to accomplish our mission with a focus on service, integrity, and fairness by upholding our city's motto *Justitia Omnibus* -- Justice for All.

#### **Value Statement**

- Reduce crime and the fear of crime in the community.
- Strive to resolve all conflicts peacefully, valuing all human life, and ensuring that any use of force is proportional to the threat faced.
- Ensure that all allegations of misconduct and uses of force are investigated thoroughly and impartially.
- Instill a sense of transparency in operations with regular reports and outreach on critical events and community concerns.
- Sustain a culture of building and sustaining safe neighborhoods by making the relationship between police and neighborhoods paramount — tailoring policing to neighborhoods.

- Continue to work with other government agencies to address the issues faced by the mentally ill in our communities.
- Throughout the department, focus on how the MPD can address youth issues.
- Build on what the MPD is doing right by continuously evaluating our strengths and weaknesses and position the MPD to be viewed and respected nationally and internationally as a model for how it serves the community.
- Build homeland security into the culture of the MPD and the community without creating fear.
- Fostering a culture of innovation and initiative by leveraging technology.
- Support our employees as they work to serve the City.
- Encourage teamwork and leadership at every level of the police department and throughout the community.
- Emphasize that every MPD employee has the power to influence positive change — and encourage them to improve the service they provide to both the Department and community.
- Fortify these values by training and educating all of our members in the critical skills of communication, service and conflict resolution.

## **II. TITLE VI NON-DISCRIMINATION POLICY STATEMENT**

A copy of MPD’s Title VI Non-Discrimination Policy Statement is listed in *Attachment 1*.

## **III. TITLE VI ASSURANCES**

A copy of The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2 with appendices A-E is listed in *Attachment 2*.

## **IV. AUTHORITIES**

### **A. Nondiscrimination Statutes**

1. **Title VI of the 1964 Civil Rights Act** provides that “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.” (42 USC Chapter 21, Section 2000d)
2. **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** prohibits unfair treatment of persons displaced or whose property has been acquired because of federal and federal-aid programs and projects. (42 USC 4601)

3. **The Federal-Aid Highway Act of 1973** provides that “No person shall on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.” (23 USC 324)
4. **Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.).**
5. **Section 504 of the Rehabilitation Act of 1973** provides that “No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, denied benefits of, subjected to discrimination under any program or activity that receives benefits from Federal financial assistance.” (29 USC 790)
6. **The Age Discrimination Act of 1975**, as amended, provides that “No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 USC 76, Section 6101)
7. **The Civil Rights Restoration Act of 1987** broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not. (PL 100-209)
8. **Title II of the Americans with Disabilities Act of 1990** provides that “No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a State or local government.” (PL 101-336)

## **B. Nondiscrimination Executive Orders**

1. EO 12250 (November 2, 1980) mandates that U.S. Department of Justice (DOJ) will provide leadership and coordination of nondiscrimination laws.
2. EO 12898 (February 11, 1994) mandates that "Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

3. EO 13166 (August 16, 2000) improves access to services for persons with Limited English Proficiency (LEP).

### **C. Nondiscrimination Regulations**

1. 23 CFR 200 – FHWA Title VI regulation.
2. 23 CFR 450 and 49 CFR 613 - Joint FTA/FHWA regulation, “Planning Assistance and Standards.”
3. 23 CFR 771 - Joint FTA/FHWA regulation, “Environmental Impact and Related Procedures.”
4. 23 CFR 1235 – FHWA and NHTSA joint regulation governing Uniform System for Parking for People with Disabilities.
5. 28 CFR 35 – DOJ regulation governing nondiscrimination on the basis of disability in State and local government services.
6. 28 CFR 36 – DOJ regulation government nondiscrimination on the basis of disability in public accommodations and commercial facilities.
7. 28 CFR 41 – Implementation of Executive Order 12250.
8. 28 CFR 42, Subpart C – DOJ’s regulation implementing Title VI of the Civil Rights Act of 1964.
9. 28 CFR 42, Subpart F – DOJ’s regulation, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs.”
10. 28 CFR 50.3 – DOJ’s guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.
11. 49 CFR 21 – U.S. Department of Transportation (USDOT) Title VI regulation.
12. 29 CFR 27 – USDOT’s regulation implementing Section 504 of the Rehabilitation Act of 1973.

### **D. Nondiscrimination Directives**

1. DOT Order 1000.12 – Implementation of the DOT Title VI Program.

2. DOT Order 1050.2 – Standard Title VI Assurances.
3. DOT Order 5610.2 – Environmental Justice Order (April 15, 1997).
4. FHWA Order 4710.1 – Right-of-Way Title VI Review Program.
5. FHWA Order 4710.2 – Civil Rights Compliance Review of Location.
6. FHWA Order 6640.23 – Actions to address Environmental Justice.
7. Joint FHWA/FTA Memo dated May 9, 2000 – Guidance on implementing Title VI in Metropolitan Planning.
8. DOT Policy Guidance Document – Clarifying responsibilities of Federal-aid with respect to Limited English Proficiencies populations.

#### **E. Local Authorities**

1. District of Columbia Human Rights Act of 1977, (Amended)
2. District of Columbia Language Access Act of 2004

### **V. ORGANIZATION AND STAFFING**

#### **A. Organization**

The Metropolitan Police Department (MPD) is the primary law enforcement agency for the District of Columbia. The MPD has over 4,000 sworn and civilian members serving the city, which is divided into seven Police Districts, each of which is further subdivided into seven or more Police Service Areas (PSAs).

The organization of the Metropolitan Police Department (MPD) consists of the Executive Office of the Chief of Police and the following bureaus:

Patrol Services North (PSN)  
Patrol Services South (PSS)  
Homeland Security Bureau  
Corporate Support Bureau  
Professional Development Bureau  
Investigative Services Bureau  
Internal Affairs Bureau  
Information Technology Bureau



## **Metropolitan Police Department Internal Affairs Bureau**

The Internal Affairs Bureau (IAB) acts as the guardian of the Washington DC Metropolitan Police Department's reputation and is charged with the accountability, implementation, and maintenance of the Department's anti-corruption programs. It is an office of unparalleled integrity that provides effective corruption control and behavior accountability through comprehensive proactive and reactive investigations, inspections, and adjudications of misconduct and corruption. The IAB also collects extensive statistical data for review, assessment, and trend analysis.

The IAB has the following organizational units:

**Internal Affairs Division** investigates members of the Metropolitan Police Department for misconduct as well as lethal and serious non-lethal uses of police force. The division also serves as the Department's liaison to the Office of Police Complaints.

**Risk Management Division** reduces the probability, occurrence and cost of risk to the District of Columbia government through the provision of risk identification and insurance analysis and support to District agencies. The division manages the following:

**Internal Compliance Branch** ensures the proper adjudication and documentation of performance and discipline. This branch manages the following:

- Supervisory Support Program
- Office of Police Complaints Liaison
- Outside Employment Section
- Subrogation and Claims Section

**Security Officer Management Branch** monitors compliance of licensed Special Police Officers, Campus Police Officers, Security Officers, and Private Detectives, and investigates their use of force.

**Internal Audit Branch** conducts audits of MPD operations for compliance with laws, regulations, policies and procedures

**Court Liaison Division** coordinates Metropolitan Police Department members' participation in both criminal and traffic court proceedings as well as other court-related activities.

**EEO Investigations Division** administers the Department's equal employment opportunity program, including investigating and adjudicating EEO-related complaints. The division also manages the Department's language access and the qualified interpreter programs.

See Attachment 3 for the IAB Organizational Chart

Complaints that are filed with the Internal Affairs Bureau may fall within the purview of the Office of Police Complaints. In these instances, the Internal Affairs Bureau will ensure that the proper element investigates the complaint. Information on filing complaints against members of the MPD can be found at the following:

<https://mpdc.dc.gov/page/how-file-citizen-complaint-or-commendation>

Additional information about the MPD can be found on the MPD website:

<https://mpdc.dc.gov/>

The Director of the Risk Management Division serves as the agency's Title VI Coordinator (Coordinator) and is responsible for the implementation of the components of the Title VI program. The Coordinator is authorized to ensure compliance with the provisions of MPD's non-discrimination policy and with the law. The coordinator, through the IAB Assistant Chief of Police, will have access to the Agency's Executive to discuss Title VI matters.

**B. STAFFING/SUPPORT**

<b>NAME</b>	<b>POSITION</b>	<b>Responsibilities</b>
Wilfredo Manlapaz	Assistant Chief of Police Internal Affairs Bureau	Bureau Chief
Kimberly Dickerson	Inspector Risk Management Division	Title VI Coordinator/oversees branch that conducts audits of MPD operations
John Knutsen	Inspector Internal Affairs Division	Oversees internal investigations of misconduct by MPD members
Jacqueline Reedy	Program Manager Internal Compliance Branch	Oversees the liaison with the Office of Police Complaints
Imhotep Newsome	Program Manager Language Access Program Branch	Manages MPD's Language Access Program to ensure training and compliance
Ralph Ennis	Commander Metropolitan Police Academy Division	Oversees the training for members of the MPD
Erica Willis	Program Manager ADA	Manages MPD's ADA program

## VI. PROGRAM AREAS

### **Motor Carrier Safety Assistance Program (MCSAP) Grant**

The MCSAP is a Federal grant program that provides financial assistance to States to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles (CMVs). The goal of the MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. The MCSAP is FMCSA's largest grant program that supports State and local law enforcement agencies to utilize over 12,000 enforcement officers to increase enforcement and safety activities nationwide.

The FAST Act consolidated several previously stand-alone FMCSA grant programs. The MCSAP grant now includes Basic and Incentive, [New Entrant](#) (safety program required by the FAST Act to be conducted by States for New Entrant safety audits on interstate motor carriers and intrastate motor carriers, at the State's discretion), Border Enforcement (safety program conducted by States for border CMV safety projects and activities focused on international commerce) and components of other consolidated grant programs:

- Safety Data Improvement - provides financial and technical assistance to States to facilitate the collection of accurate, complete, and timely data on all large commercial truck and bus crashes that involve a fatality, injury, or a vehicle towed from the crash scene.
- Innovative Technology Deployment ([ITD](#)) (Operations & Maintenance Only) - advances the technological capability and promotes the deployment of intelligent transportation system applications for CMV operations and supports and maintains CMV information systems and networks; and
- Performance and Registration Information Systems Management ([PRISM](#)) - cooperative Federal/State public safety program that links carrier safety fitness to State vehicle registration process.

### **High Priority (HP) Grant - Overview**

The HP grant program is a discretionary (competitive) grant program designed to provide Federal financial assistance to enhance MCSAP commercial vehicle safety plan (CVSP) activities, maintain innovative technology and/or new project(s) not included in the CVSP that will have a positive impact on CMV safety. Other applicants are also eligible for HP grants that improve CMV safety. HP now includes two major purposes: Innovative Technology Deployment (ITD), and CMV safety related activities and projects. Although ITD resides within HP, the ITD grant program purpose and program eligibility requirements are separate and distinct from CMV safety related activities and projects.

### **HP CMV Safety-Related Activities and Projects**

The HP grant program provides financial assistance to carry out activities and projects that augment motor carrier safety which include:

- supporting participation in performance and registration information systems management;
- conducting safety data improvement projects;
- increasing public awareness and education on CMV safety;
- targeting unsafe driving of CMV and Non-CMV in areas identified as high risk crash corridors;
- improving the safe and secure movement of hazardous materials;
- improving safe transportation of goods and persons in foreign commerce;
- demonstrating new technologies to improve CMV safety;
- otherwise improving CMV safety and compliance with CMV safety regulations.

### **HP Innovative Technology Deployment (ITD) Program**

The ITD grant program provides financial assistance to advance the technological capability and promote the deployment of intelligent transportation system applications for CMV operations, including CMV, commercial driver, and carrier-specific information systems and networks; and to support and maintain CMV information systems and networks.

## **VII. SUB-RECIPIENT REVIEW AND COMPLIANCE REPORTS**

MPD has not disseminated FMCSA grant funds to sub-recipients.

## **VIII. TITLE VI PROGRAM TRAINING PROCEDURES**

### **A. Title VI Training**

Per CFR 200.9(b)(9), recipients are required to provide Title VI training to their employees to ensure that all MPD programs are implemented in compliance with Title VI of the Civil Rights Act of 1964. The Metropolitan Police Academy Division (MPA) provides initial recruit training, mandatory re-certifications, and mandatory annual professional development training to MPD members. The Title VI training has been included as a component of the mandatory annual professional development training for all sworn members of the MPD. Civilian members will be provided the training on an annual basis. The MPA maintains training records for members of the MPD.

## **IX. COMPLAINT PROCEDURES**

### **How to File a Citizen Complaint or Commendation**

As a government agency charged with protecting the public and enforcing the law, the Metropolitan Police Department strives to provide the highest level of customer service possible. We value the opinions of the public we serve in order to help us achieve this standard. By providing your input — positive or negative — we can learn where our efforts are hitting the mark and where we might need to focus our attention to improve the service we provide to the hundreds of thousands of residents and visitors we encounter each year.

If you believe you have been subjected to, or witnessed, police misconduct of any type, the MPD encourages you to report the incident to either the MPD or the Office of Police Complaints (OPC). There are many convenient ways for you to file complaints, including in-person, over the telephone, or via mail, email or fax. There are two distinct processes for reviewing and investigating complaints:

**DC Office of Police Complaints (OPC):**

- Is a District of Columbia Government agency that is independent of the MPDC and has its own investigative staff.
- Gives individuals a choice to have police misconduct complaints investigated by an agency other than the MPDC.
- Has authority to investigate complaints filed within 90 days of the underlying incident, and that allege harassment; use of unnecessary or excessive force; use of language or conduct that is insulting, demeaning, or humiliating; discriminatory treatment; retaliation for filing a complaint with OPC; or failure to wear required identification or refusal to provide name and badge number when requested to do so by a member of the public.

**Metropolitan Police Department (MPD):**

- Investigates complaints against its members through the MPD Internal Affairs Division and chain-of-command officials.
- Investigates complaints filed at anytime alleging any type of misconduct, including misconduct that can be investigated by OPC.
- Investigates anonymous complaints.

**Office of Police Complaints**

OPC was established by the District of Columbia Government to provide the public with an independent and impartial forum for the review and resolution of police misconduct complaints filed by the public against MPDC officers. The purpose of OPC is to promote the highest attainable standards of integrity, professionalism, and accountability in the District's police department. Public confidence is strengthened by ensuring that police misconduct complaints are taken seriously, carefully investigated, and reviewed by an experienced staff. The staff is overseen by the Police Complaints Board (PCB), appointed by the Mayor and confirmed by the District of Columbia Council.

OPC handles the following types of complaints against MPD officers:

- Harassment
- Use of unnecessary or excessive force
- Use of language or conduct that is insulting, demeaning, or humiliating

- Discrimination based on race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, political affiliation, source of income, or place of residence or business
- Retaliation for filing a complaint with OPC
- Failure to wear required identification or refusal to provide name and badge number when requested to do so by a member of the public

Complaint forms and information sheets can be obtained by:

- Visiting OPC at:

**Office of Police Complaints**

1400 I Street, NW, Suite 700  
Washington, DC 20005

- Calling OPC at (202) 727-3838
- Calling the OPC 24-hour, toll-free hotline at 866-588-0569
- Visiting OPC’s website, [policecomplaints.dc.gov](http://policecomplaints.dc.gov)
- Visiting any MPD district station

Complaint forms can be submitted:

- In person or by mail to the address above
- By fax to (202) 727-9182
- By dropping forms off at any MPD district station

More information is available on the OPC website.

**Internal Affairs Division**

The Internal Affairs Division (IAD) is the internal MPD unit responsible for ensuring that all complaints of officer misconduct are handled properly.

IAD investigates complaints filed at anytime alleging any type of misconduct, including misconduct that can be investigated by OPC and anonymous complaints. You may file a complaint in a number of ways:

- In person at the IAD or any MPD facility.
- Mail a letter detailing your complaint to the IAD or any police facility.
- Report your complaint over the telephone
- Fax your complaint to the IAD:
- Email your complaint to [citizen.complaints@dc.gov](mailto:citizen.complaints@dc.gov)
- Download the OPC Complaint Form, complete and sign the form, and submit it to the Internal Affairs Division via traditional mail or fax.

### **Internal Affairs Division**

64 New York Ave., NE  
Second Floor  
Washington, DC 20002  
Telephone: (202) 727-4385, TTY: (202) 898-1454  
Fax: (202) 727-4858  
24-hour hotline: 1-800-298-4006

#### Things to Remember When Making a Complaint:

Whether filing a complaint with the MPD or OPC, the following information is very important when describing the event:

- The day, date, time, and location of the incident.
- The officer's name, badge number, and description.
- Witnesses' names, addresses, and phone numbers.
- License numbers for any vehicles involved in the incident.
- Any other evidence you feel may be important, such as copies of traffic tickets, police reports, photographs, and medical records. If you have injuries, include their nature and extent.
- It is vitally important that you file your complaint as soon as possible so that photographs can be taken and medical records can be obtained quickly.

Please note that every person who wants to file a complaint with OPC must submit a completed, signed complaint form within 90 days of the underlying incident. You can file a report with the MPDC anytime.

<https://mpdc.dc.gov/page/how-file-citizen-complaint-or-commendation>

*See Attachment 4* for Filing Complaints Against Metropolitan Police Officers brochure  
*See Attachment 5* for Complaint Form

MPD maintains a log of all Title VI complaints. The chart in *Attachment 6* demonstrates the information that MPD maintains in its complaint log. The identity of every complainant will be kept confidential, except to the extent necessary to carry out the purpose of 49 CFR 21.11.

#### Definitions

- Race is defined as an individual belonging to one of the accepted anthropological racial groups or perception, based usually on physical characteristics that a person is a member of a racial group;
- Color is defined as the color of the skin, including shade of skin within a racial group;
- National Origin is one's birth site. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered;

- Sex includes gender, sexual harassment and pregnancy. Sex applies to both women and men;
- Age covers persons of any age;
- Disability covers physical or mental impairment; permanent, temporary, or perceived; and
- Intimidation or retaliation includes threats, coercion, or discrimination against any individual for the purpose of interfering with any rights or privilege because he/she made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing pursuant to Title VI.

## **X. COMPLYING WITH LIMITED ENGLISH PROFICIENCY (LEP)**

The Metropolitan Police Department (MPD) is required by federal law, Presidential Order, and District of Columbia (D.C.) Official Code § 2-1931 to provide equal access to programs and services to all persons living, working, or visiting the District regardless of their ability to speak English. The Language Access Act of 2004 requires MPD to provide oral language services at a level equal to English proficient individuals to all limited or non-English proficiency (LEP/NEP) persons who seek to access or participate in the services, programs, or activities offered by MPD. The law requires MPD to:

1. Assess the need for and offer oral language services;
2. Provide written translation of “vital documents” (e.g. applications, notices, complaint forms, legal contracts, and outreach materials) to any non-English language spoken by a limited or non-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered by MPD;
3. Establish, implement, and maintain a compliance strategy that reflects a language access plan; and
4. Identify a language access coordinator.

MPD’s language access program is outlined in General Order 304.18 titled “Language Access Program”, effective date December 23, 2019. *Attachment 7*.

## **XI. DISSEMINATION OF INFORMATION**

### MPD Website and Internal Webpage

MPD’s Title VI Program webpage is located on MPD’s publicly accessible website.

<https://mpdc.dc.gov/page/mpd-compliance-title-vi>

The webpage contains the Title VI policy statement and notification, the compliance plan, and links on how to file a complaint.



## Complaint Procedures, Complaint Forms and Public Notice of Title VI Program Rights Posters

The complaint procedures and complaint forms are available online and at the MPD Police Districts. The Public Notice of Title VI Program Rights Poster (*Attachment 8*) is also posted at the MPD Police Districts.

- First District Station: 101 M Street, SW, Washington, DC 20024
  - First District Substation: 500 E Street, SE, Washington, DC 20024
- Second District Station: 3320 Idaho Avenue, NW, Washington, DC 20016
- Third District Station: 1620 V Street, NW; Washington, DC 20009
- Fourth District Station: 6001 Georgia Avenue, NW; Washington, DC 20011
  - Fourth District Substation: 750 Park Road, NW; Washington, DC 20010
- Fifth District Station: 1805 Bladensburg Road, NE, Washington, DC 20002
- Sixth District Station: 5002 Hayes Street, NE, Washington, DC 20019
  - Sixth District Substation: 2701 Pennsylvania Avenue, SE; Washington, DC 20019
- Seventh District Station: 2455 Alabama Ave., SE; Washington, DC 20020

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT**



**SECTION XII  
ATTACHMENTS**

**TITLE VI PROGRAM COMPLIANCE PLAN**

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Prepared by:

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Submitted to:

**Federal Motor Carrier Safety Administration**  
District of Columbia Division Office  
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**Federal Fiscal Year 2020**



## **ATTACHMENTS**

1. Title VI Non-Discrimination Policy Statement
2. The United States Department of Transportation (USDOT)  
Standard Title VI/Non-Discrimination Assurances DOT Order No.  
1050.2A
  - a) Appendix A
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date December 23, 2019
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# Government of the District of Columbia Metropolitan Police Department

## Title VI Non-discrimination Policy

It is the policy of the District of Columbia Metropolitan Police Department (MPD) to assure that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance as provided in Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities.

MPD further ensures that every effort will be made to ensure non-discrimination in all of its programs and activities, regardless of whether those programs receive federal funding. Furthermore, in the event that MPD distributes Federal-aid funds to another entity, MPD will include Title VI requirements in all agreements and monitor for compliance.

Title VI compliance is a condition of receipt of Federal funds. The Title VI Coordinator, Inspector Kimberly Dickerson, has been delegated the authority and responsibility to implement and ensure compliance with the provisions of this policy and the law, including the requirements imposed by or pursuant to 23 CFR 200.9 and 49 CFR 21.

Peter Newsham  
Chief, Metropolitan Police Department

June 2, 2020  
Date

**The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination**  
**Assurances**  
**DOT Order No. 1050.2A**

The Metropolitan Police Department (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity." for which the Recipient receives Federal financial assistance from DOT, including the Federal Motor Carrier Safety Administration (FMCSA).*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted *Motor Carrier Safety Assistance Program (MCSAP) Grant and the High Priority (HP) Grant*:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

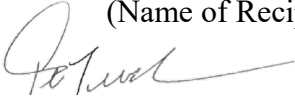
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all FMCSA programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source: *"The Metropolitan Police Department, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Metropolitan Police Department also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. You must keep records, reports, and submit the material for review upon request to the FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Metropolitan Police Department gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FMCSA programs. This ASSURANCE is binding on the District of Columbia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Metropolitan Police Department  
(Name of Recipient)

by   
\_\_\_\_\_  
(Signature of Authorized Official)

Dated June 2, 2020

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Motor Carrier Safety Administration (FMCSA) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Motor Carrier Safety Administration (FMCSA), as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Motor Carrier Safety Administration (FMCSA) may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Motor Carrier Safety Administration (FMCSA) may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.



## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **(Title of Recipient)** will accept title to the lands and maintain the project constructed thereon in accordance with **(Name of Appropriate Legislative Authority)**, the Regulations for the Administration of **(Name of Appropriate Program)**, and the policies and procedures prescribed by the **(Title of Modal Operating Administration)** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **(Title of Recipient)** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto **(Title of Recipient)** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **(Title of Recipient)**, its successors and assigns.

The **(Title of Recipient)**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the **(Title of Recipient)** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *(Title of Recipient)* pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
- In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, *(Title of Recipient)* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the *(Title of Recipient)* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *(Title of Recipient)* and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by ***(Title of Recipient)*** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, ***(Title of Recipient)*** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, ***(Title of Recipient)*** will there upon revert to and vest in and become the absolute property of ***(Title of Recipient)*** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

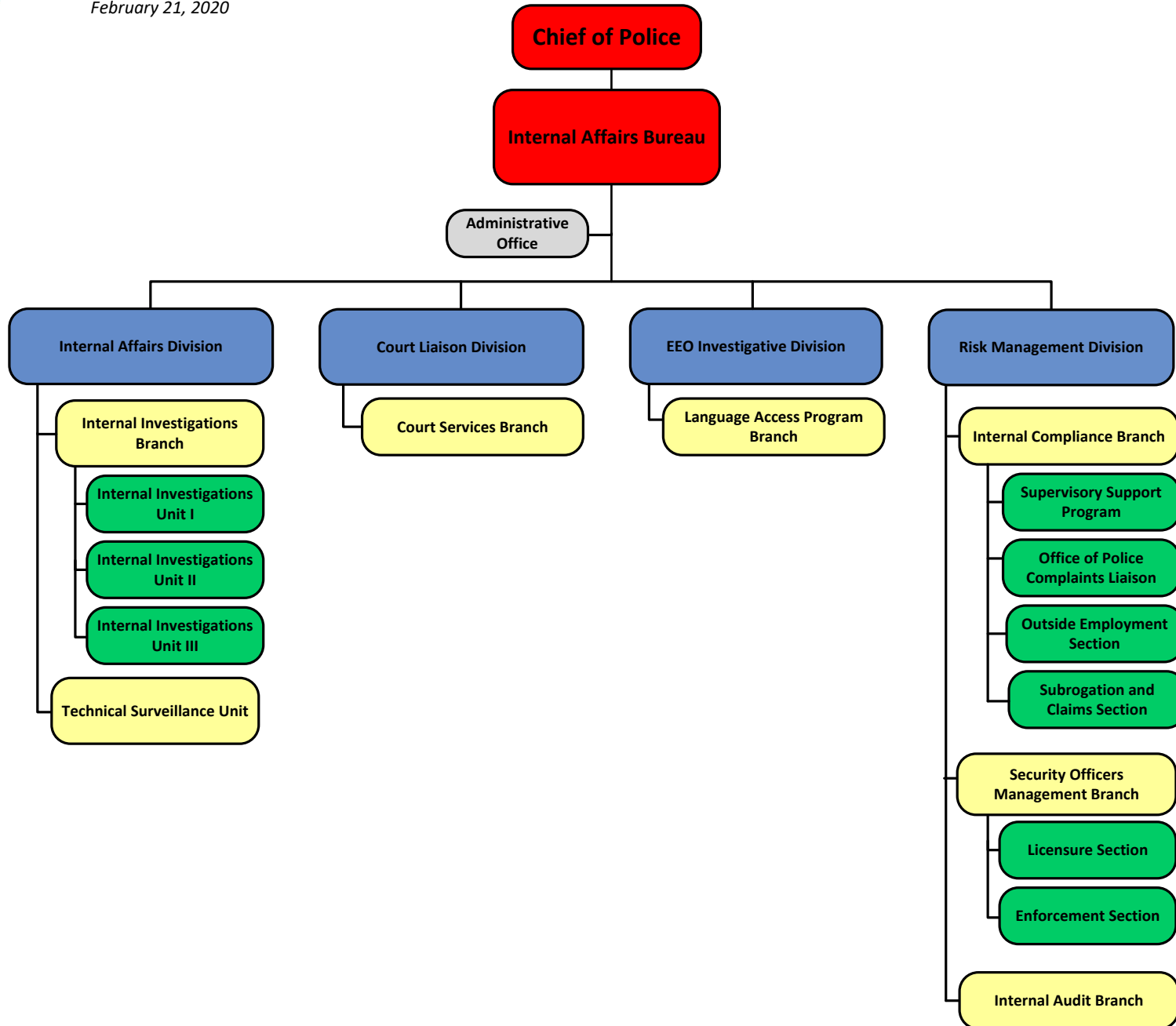
### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); • Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



# Internal Affairs Bureau Organizational Chart

February 21, 2020



## What is the process once a complaint is made?

A complaint may be submitted to either the Metropolitan Police Department (MPD) or the Office of Police Complaints (OPC). The following flowcharts detail the complaint review processes.

### MPD Complaint Process

**STEP 1** The complaint is filed with the MPD.

**STEP 2** The MPD official responsible for investigating the complaint contacts you to let you know he or she is investigating it. If necessary, the official will obtain additional information.

**STEP 3** The complaint is investigated—witnesses and the officer against whom the complaint is filed are interviewed. The officer is entitled to know the complainant's name, if it is known, and the nature of the complaint. However, the MPD will not reveal the complainant's name if the complainant requests to remain anonymous.

**STEP 4** Investigation is completed and one of the following conclusions is made:

**Sustained** — where the person's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper.

**Insufficient Facts** — where there are insufficient facts to decide whether the alleged misconduct occurred.

**Exonerated** — where a preponderance of the evidence shows that the alleged conduct did occur but did not violate MPD policies, procedures, or training.

**Unfounded** — where the investigation determined no facts to support that the incident complained of actually occurred.

**STEP 5** You are notified of the outcome of the investigation. If you do not agree with it, you may appeal the decision in writing by sending a letter to the Chief of Police at:

Chief of Police  
Metropolitan Police Department  
300 Indiana Avenue, NW, Room 5080  
Washington, DC 20001

### OPC Complaint Process

**STEP 1** Once a completed, signed complaint form is received, OPC reviews the complaint to confirm that it falls within the agency's jurisdiction.

**STEP 2** If the complaint is within OPC's jurisdiction, most complaints are assigned to one of OPC's investigators. OPC also may refer the complaint to mediation, which involves a confidential, face-to-face meeting between the complainant and the subject officer. This meeting is guided by a neutral third party who is trained to conduct mediation and who assists the parties to work together to reach a mutually-agreeable resolution of the complaint.

If a complaint involving an MPD officer is not within OPC's jurisdiction, OPC will forward the complaint to MPD to investigate.

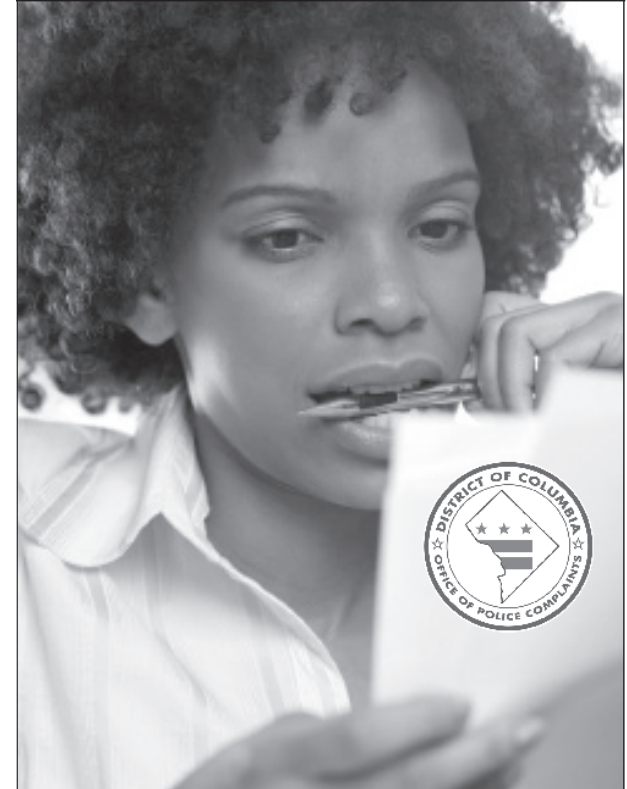
**STEP 3** Based on the outcome of the investigation, OPC may dismiss the complaint, or, if the investigation reveals reasonable cause to believe that police misconduct occurred, the complaint will be referred to an independent complaint examiner who will issue a written decision.

**STEP 4** OPC notifies the complainant and subject officer of the decision regarding the complaint, and if the complaint is sustained, it is forwarded to the Chief of Police for imposition of discipline. You will be notified of the discipline and may respond to it in writing to the Chief of Police.

**OPC has the authority to receive, investigate, and resolve police misconduct complaints filed by the public against MPD officers. Complaint forms can be submitted in person, by mail, by fax to (202) 727-9182, or by dropping forms off at any MPD district station.**

# Filing Complaints Against Metropolitan Police Officers

## Complaint Review Process



» To learn more, visit [mpdc.dc.gov](http://mpdc.dc.gov)

The Metropolitan Police Department (MPD) is committed to providing professional, high-quality services to all; the MPD does not tolerate misconduct or wrongdoing on the part of its members. If you believe you have been subjected to, or witnessed, police misconduct of any type, the MPD encourages you to report the incident to either the MPD or the Office of Police Complaints (OPC). There are many convenient ways for you to file complaints, including in-person, over the telephone, or via mail, email or fax. There are two distinct processes for reviewing and investigating complaints:

#### Office of Police Complaints:

- » Is a District of Columbia Government agency that is independent of the MPD and has its own investigative staff.
- » Gives individuals a choice to have police misconduct complaints investigated by an agency other than the MPD.
- » Has authority to investigate complaints filed within 45 days of the underlying incident, and that allege harassment; use of unnecessary or excessive force; use of language or conduct that is insulting, demeaning, or humiliating; discriminatory treatment; retaliation for filing a complaint with OPC; or failure to wear required identification or refusal to provide name and badge number when requested to do so by a member of the public.

#### Metropolitan Police Department:

- » Investigates complaints against its members through the MPD Internal Affairs Bureau (IAB) and chain-of-command officials.
- » Investigates complaints filed at anytime alleging any type of misconduct, including misconduct that can be investigated by OPC.
- » Investigates anonymous complaints.



## Office of Police Complaints

The Office of Police Complaints was established by the District of Columbia Government to provide the public with an independent and impartial forum for the review and resolution of police misconduct complaints filed by the public against MPD officers. The purpose of OPC is to promote the highest attainable standards of integrity, professionalism, and accountability in the District's police department. Public confidence is strengthened by ensuring that police misconduct complaints are taken seriously, carefully investigated, and reviewed by an experienced staff. OPC is overseen by the Police Complaints Board (PCB), appointed by the Mayor and confirmed by the District of Columbia Council.

OPC handles the following types of complaints against MPD officers:

- » Harassment
- » Use of unnecessary or excessive force
- » Use of language or conduct that is insulting, demeaning, or humiliating
- » Discriminatory treatment based on race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, physical disability, matriculation, political affiliation, source of income, or place of residence or business
- » Retaliation for filing a complaint with OPC
- » Failure to wear required identification or refusal to provide name and badge number when requested to do so by a member of the public

Complaint forms and information sheets can be obtained by:

- » Visiting OPC at:  
Office of Police Complaints  
1400 I Street, NW, Suite 700  
Washington, DC 20005
- » Calling OPC at **(202) 727-3838**
- » Calling the OPC 24-hour, toll-free hotline at **(866) 588-0569**
- » Visiting OPC's website, **[policecomplaints.dc.gov](http://policecomplaints.dc.gov)**
- » Visiting any MPD district station

Complaint forms can be submitted:

- » In person or by mail to the address above
- » By fax to **(202) 727-9182**
- » By dropping forms off at any MPD district station

## MPD Internal Affairs Bureau

The Internal Affairs Bureau (IAB) is the internal MPD unit responsible for ensuring that all complaints of officer misconduct are handled properly.

IAB investigates complaints filed at anytime alleging any type of misconduct, including misconduct that can be investigated by OPC and anonymous complaints. You may file a complaint in a number of ways:

- » In person at the IAB or any MPD facility.
- » Mail a letter detailing your complaint to the IAB or any police facility.
- » Report your complaint over the telephone

#### Internal Affairs Bureau:

(202) 727-4385, TTY: (202) 898-1454

**24-hour hotline:** 1-800-298-4006

- » Fax your complaint to the IAB at **(202) 727-5116** or **(202) 727-4858**
- » Email your complaint to **[citizen.complaints@dc.gov](mailto:citizen.complaints@dc.gov)**  
Internal Affairs Division  
#6 DC Village Lane, SW, Building 1-A  
Washington, DC 20032  
(202) 727-4385

## Things to Remember When Making a Complaint

Whether filing a complaint with the MPD or OPC, the following information is very important when describing the event:

- » The day, date, time, and location of the incident.
- » The officer's name, badge number, and description.
- » Witnesses' names, addresses, and phone numbers.
- » License numbers for any vehicles involved in the incident.
- » Any other evidence you feel may be important, such as copies of traffic tickets, police reports, photographs, and medical records. If you have injuries, include their nature and extent.
- » It is vitally important that you file your complaint as soon as possible so that photographs can be taken and medical records can be obtained quickly

Please note that every person who wants to file a complaint with OPC must submit a completed, signed complaint form within 45 days of the underlying incident. You can file a report with the MPD anytime.

# COMPLAINT FORM

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF POLICE COMPLAINTS

1400 I Street, NW, Suite 700

Washington, DC 20005

Tel: (202) 727-3838

Fax: (202) 727-9182

24-Hour Toll-Free Hotline: (866) 588-0569

[www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov)

[dcpolice.complaintsoffice@dc.gov](mailto:dcpolice.complaintsoffice@dc.gov)

*To Be Completed by MPD Staff*

Name | Rank | CAD No.

Incident Summary (IS) Number

Date & Time Complaint Received

*To Be Completed by OPC Staff*

OPC Control Number

Date & Time Complaint Received

Received: In Person | Fax | E-mail | U.S. Mail | MPD | Other (please specify below):

How Did You Hear About OPC (please specify):

Complainant's Name – Last, First, Middle

Date of Birth

Gender

Race or Ethnicity

Home Address

Home Telephone Number

Email Address

Cell Number

Alternate Contact Information

Date of Incident

Location of Incident

Time of Incident

Day of Week Incident Occurred

Police Vehicle No. / Description

Officers Involved (*name, badge number, police district, if known*)

Physical Description of Officer(s) (*hair and eye color, height, sex, race/ethnicity, etc.*)

Describe Injuries (*if any*)

Where Treated (*name of hospital, doctor, etc.*)

Name(s), Telephone Number(s) or Contact Information for Other People Present During the Incident (*including other police officers*)

Preferred Language of Communication (*if other than English*)







# GENERAL ORDER



DISTRICT OF COLUMBIA

<b>Title</b>		
<b>Language Access Program</b>		
<b>Topic</b>	<b>Series</b>	<b>Number</b>
<b>SPT</b>	<b>304</b>	<b>18</b>
<b>Effective Date</b>		
<b>December 23, 2019</b>		
<b>Replaces:</b>		
GO-SPT-304.18 (Language Access Program), Effective Date October 6, 2015		
<b>Rescinds:</b>		
SO-99-16 (Language Access Stipend), Effective Date October 18, 1999		
EO-17-021 (Interactions With Limited-English Proficient and Non-English Proficient Individuals), Effective Date June 30, 2017		
<b>Related To:</b>		
GO-PER-201.09 (Equal Employment Opportunity Program)		
GO-PER-201.35 (Customer Service Standards and Testing)		
GO-OPS-304.05 (Confidential Fund)		
GO-OPS-304.11 (Intrafamily Offenses)		
GO-OPS-308.12 (Diplomats and Foreign Nationals)		

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## I. BACKGROUND

The Metropolitan Police Department (MPD) is required by federal law, Presidential Order, and District of Columbia (D.C.) Official Code § 2-1931 to provide equal access to programs and services to all persons living, working, or visiting the District regardless of their ability to speak English. The purpose of this directive is to ensure that MPD's programs and services meet the requirements of the Language Access Act of 2004. The Language Access Act of 2004 requires MPD to provide oral language services **at a level equal to English proficient individuals** to all limited or non-English proficiency (LEP/NEP) persons who seek to access or participate in the services, programs, or activities offered by MPD. The law requires MPD to:

1. Assess the need for and offer oral language services;
2. Provide written translation of "vital documents" (e.g. applications, notices, complaint forms, legal contracts, and outreach materials) to any non-English language spoken by a limited or non-English proficient

population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered by MPD;

3. Establish, implement, and maintain a compliance strategy that reflects a language access plan; and
4. Identify a language access coordinator.

## **II. POLICY**

It is the policy of the MPD to provide free language access services to all limited and non-English proficient (LEP/NEP) persons in a timely and effective manner. The provision of timely and effective communication services to LEP/NEP persons is a required activity for MPD members – MPD members must provide these services to all LEP/NEP persons they encounter, barring exigent circumstances, as defined below.

## **III. REGULATIONS**

- A. Members who encounter a person who is LEP/NEP shall take all necessary and appropriate steps, consistent with their obligations, to establish and maintain timely and effective communication with the LEP/NEP person including but not limited to:
  1. Asking all customers if they need assistance in a language other than English; and
  2. Providing language assistance at all times if requested by an LEP/NEP person regardless of the person's perceived level of English proficiency.
    - a. The language assistance shall be obtained in the following order of preference:
      - (1) An MPD certified interviewer;
      - (2) A telephonic interpreter; or
      - (3) A qualified interpreter.
    - b. When a crime has been committed, members may use a telephonic interpreter first if a bilingual member is not immediately available.
- B. In every circumstance where LEP/NEP persons and MPD members need to communicate, members shall:
  1. Provide appropriate language access services;

2. Provide services in a timely manner (i.e., in a manner that does not result in delays for the LEP/NEP persons that would be significantly greater than those for English proficient persons); and

NOTE: The D.C. Office of Human Rights has developed the following wait times for testing purposes: For a LEP/NEP individual who shows up in-person, 10 minutes or less for a face-to-face interpreter and five minutes or less for Language Line interpretation. For a LEP/NEP individual who calls in by phone, seven minutes or less to transfer the call to a bilingual employee and five minutes or less to transfer the call to the Language Line.

3. Provide language access services in a manner that ensures full and accurate communication between the member and the LEP/NEP individual.
- C. All district stations and specialized units that are open to the public shall post signage that informs persons who visit or are taken to an MPD facility about their rights to obtain assistance in a language they can understand, free of charge.
  - D. Members shall take reasonable steps to ensure that the qualified interpreter does not know any of the parties involved in the situation. (See Part IV.F.7 regarding the use of family members, neighbors, friends, volunteers, bystanders and children for language assistance).
  - E. Members shall avoid assumptions about an individual's primary language and shall make every effort to ascertain an individual's primary language to ensure effective communication, in accordance with Part IV.A.2 of this order.

NOTE: For example, not all individuals from Central America speak Spanish fluently. Some Central Americans may claim an indigenous language as their native tongue.

- F. In any situation involving exigent circumstances, members may communicate by any means possible with the individual or take immediate police action as the exigent circumstances require.

#### **IV. PROCEDURES**

- A. Identifying LEP/NEP Persons and Their Primary Language
  1. Identification of LEP/NEP Persons

When members suspect or are told that persons that they encounter are LEP/NEP, they shall use the following protocol to determine whether or not the persons are actually LEP/NEP:

- a. Ask: "Do you speak English very well?"
  - (1) If the person answers "Yes," proceed with communicating with the person in English.

NOTE: There are many individuals who speak one or more non-English languages and who report speaking English "very well." Such individuals should be regarded as English proficient and should not be considered LEP/NEP persons.

However, there are many individuals who report speaking English either "well," "not well," or "not at all." These individuals – who report speaking English less than "very well" – must be regarded as LEP/NEP and eligible to receive language access services.

If an LEP/NEP person appears able to communicate in English, MPD members must keep in mind the fact that LEP/NEP persons may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP/NEP for other purposes (e.g., reading or writing). Similarly, members must also keep in mind the fact that LEP/NEP designations are context-specific, that is, an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

- (2) If the person answers "No," or indicates or appears not to understand what the member is saying, or states "I speak it a little", or "I speak it okay," the member shall assume that the person is LEP/NEP and provide appropriate language access services.
- b. If the LEP/NEP person can speak or understand some English, the member shall state: "I can request an interpreter in your language immediately and can get an interpreter here in person or over the phone. Would you like me to get an interpreter?"
  - (1) If the LEP/NEP person answers "Yes," the member shall:
    - (a) Proceed to identify the LEP/NEP person's language as specified in Part IV.A.2 below, and
    - (b) Obtain, in the following order of preference, an MPD certified interviewer, telephonic interpreter, or qualified interpreter to facilitate communication with the LEP/NEP person.

- (2) If the LEP/NEP person answers “No,” the member shall:
  - (a) Ensure that the LEP/NEP person understood the question and confirm that he or she does not want an interpreter.
  - (b) If the LEP/NEP person confirms that he or she does not want an interpreter, the member shall complete an “Offer of Free Interpreter Services Waiver Form” found on the MPD intranet under MPD Online Forms and proceed with communicating with the person in English.
    - (1) The member shall ensure that both the top and bottom portions of the form are filled out.
    - (2) The member shall make reference in the Field Report that the person consented to waive the interpreter and that a waiver was signed.
    - (3) If the person speaks a language other than Amharic, Chinese, French, Korean, Spanish, or Vietnamese, the member shall use the language line or MPD certified interviewer.

## 2. Identification of Primary Language

MPD members may use three approaches to identifying an LEP/NEP person’s primary language:

- a. Ask the LEP/NEP person.
  - (1) Members may ask an LEP/NEP person: “What language do you speak?” or “What language do you speak the best?”
  - (2) If the LEP/NEP person understands the question and answers the question, the member shall immediately follow the procedures in this order to obtain an MPD certified interviewer, telephonic interpreter, or qualified interpreter in that language to facilitate his or her communication.
- b. Use the Language Line’s Language Identification Card.

- (1) If the LEP/NEP person is unable to respond to the member's request to identify the language he or she speaks, MPD members may use the Language Line's Language Identification Card to identify the language.

NOTE: All members are provided a copy of this card to aid in the identification of the primary language spoken by the LEP/NEP individual. Cards may be obtained from the Language Access Programs Branch.

- (2) Members shall display the language identification card to the LEP/NEP person so the person can identify the language he or she speaks prior to calling an MPD certified interviewer, telephonic interpreter, or qualified interpreter.

c. Contact the Language Line Telephonic Interpreter Service.

- (1) Members shall contact the Language Line service, by using the Language Line App or dialing 1-800-367-9559, if the LEP/NEP person is unable to respond to the member's request to identify the language he or she speaks, and does not appear able to read or understand the language identification card.
- (2) Members shall attempt to ascertain the LEP/NEP individual's language, with assistance from the Language Line service, in order to obtain a suitable interpreter.

B. Oral Interpretation

1. Telephone Contacts

Whenever a member contacts or is contacted by an LEP/NEP person by telephone, the member shall:

- a. Ascertain the person's English proficiency and primary language as described in Part IV.A. above.
- b. Obtain assistance from an MPD certified interviewer.
  - (1) If an MPD certified interviewer who speaks the foreign language in question is immediately available to handle the telephone call requesting service or information, the member shall inquire about the MPD certified interviewer's availability and ask him or her to handle the request.



- (2) If an MPD certified interviewer who speaks the foreign language in question is not immediately available, the member handling the telephone call shall initiate a conference call by contacting the Language Line in accordance with Part IV.A. of this order.

## 2. Face-to-Face Contacts and "I Speak" Cards

### a. Face-to-Face contacts and "I Speak" Card contacts at an MPD Facility:

- (1) Members shall:
  - (a) Attempt to locate an MPD certified interviewer who speaks the foreign language in question at the MPD Facility; or
  - (b) Contact the Office of Unified Communication (OUC) and request an MPD certified interviewer who speaks the language in question.
- (2) If an MPD certified interviewer who speaks the foreign language in question is not immediately available, the member handling the in-person contact shall invite the LEP/NEP person to sit at a private or semi-private location that has a speaker phone and contact the Language Line, using the procedure described in Part IV.A. above.

### b. Face-to-Face contacts and "I Speak" Card contacts in the Field:

- (1) When assistance is required to communicate with an LEP/NEP individual in the field, members shall contact the OUC to request the following assistance:
  - (a) An MPD certified interviewer for the language in question; or
  - (b) If an MPD certified interviewer is unavailable, delivery of an MPD cell telephone to the member's current field location for the purpose of contacting the Language Line.

**NOTE:** The OUC will broadcast a request for a member who is certified in the language in question or for a member of either the Latino Liaison Unit or the Asian Liaison Unit, if appropriate, to respond to the member's location to provide bilingual interviewer services. The OUC

will also broadcast a request for delivery of an MPD cell phone from the member's district or unit to the member's field location for the purpose of contacting the Language Line.

- (2) If the member in the field is unable to obtain an MPD certified interviewer or an MPD cell telephone within a reasonable period of time:
  - (a) The member in the field may, at his or her discretion, use his or her personal cell telephone to call the Language Line.
  - (b) MPD shall reimburse the member for any costs related to calling the Language Line from the member's personal cell telephone upon presentation of a cell telephone invoice that displays the number called, the date and time of the call, and the cost of the call.

NOTE: Members are reminded that in accordance with Part III.A.2.b of this order, when a crime has been committed, the language line may be used first if a bilingual member is not immediately available.

#### C. Written Communication

1. If a member receives a letter or other written communication in a non-English language, the written communication shall be forwarded to the Language Access Programs Branch Manager using the contact information found on the MPD internet telephone directory.
2. Once the written communication is translated into English, the Language Access Programs Branch Manager shall return the English version of the communication to the MPD recipient for response.
3. The member responsible for writing the response shall do so and shall then forward the response to the Language Access Programs Branch Manager.
4. The Language Access Programs Branch Manager shall arrange to have the response translated into the target language and provide the response to the sender, with a copy to the member who prepared the response.

#### D. Document Translation

1. If an MPD vital document translation is not available on the MPD's Internet or Intranet websites, members shall request a translation of

that document by contacting the Language Access Programs Branch Manager.

2. When members must provide LEP/NEP persons with a vital document that has not been translated into the needed language, they shall contact the OUC to request the assistance of an MPD certified interviewer to provide the LEP/NEP person a sight translation. MPD certified interviewers are only qualified to provide sight translation and not written translation.

NOTE: The OUC will broadcast a request for a member who is certified in the language in question or, if appropriate, for a member of either the Latino Liaison Unit or the Asian Liaison Unit to respond to the member's location to provide the needed sight translation.

3. When an MPD certified interviewer is not available to provide a sight translation, members shall contact the Language Line by following the procedures in Part IV.A.2.c and request a sight translation by reading the document to the interpreter.

#### E. Transcribing Recordings and Other Evidence into English

1. The Language Access Programs Branch shall translate recordings, documents, evidence, or documents submitted by LEP/NEP individuals into English when such evidence is necessary to continue the investigation or prosecution of a criminal case or an MPD administrative investigation.

#### F. Specific Law Enforcement Situations

1. The following procedures shall apply to members who encounter LEP/NEP individuals while performing law enforcement functions, including pedestrian contacts or stops, vehicle spot checks or stops, conducting an arrest, or performing some other legitimate law enforcement function.
2. Members shall follow these procedures in all law enforcement encounters where exigent circumstances exist:
  - a. Members shall use the most reliable, temporary interpreter available.
  - b. Once the exigency has passed, members shall revert to the procedures set forth in this general order.
3. General Interviews

- a. When conducting general interviews of LEP/NEP persons, members shall seek the assistance of an MPD certified interviewer, telephonic interpreter, or qualified interpreter.

#### 4. Custodial Interrogations and Crime Victim Interviews

NOTE: Formal crime victim interviews and custodial interrogations of suspects potentially involve statements with evidentiary value, upon which an individual may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP/NEP individuals during arrests and custodial interrogations presents risks to the integrity of the process.

- a. Members shall ensure compliance with GO-SPT-304.16 (Electronic Recording of Custodial Interrogations) when conducting custodial interrogations.
- b. Where a member seeks to interview or interrogate a suspect who is LEP/NEP, the member shall defer the interrogation or interview pending the appearance of a qualified interpreter.
- c. If it is determined, through the process outlined in Part IV.A., that a qualified interpreter is necessary to communicate effectively, the member shall not interrogate and shall not Mirandize the suspect until a qualified interpreter has arrived. When the qualified interpreter arrives, the Miranda warning shall be administered through the qualified interpreter.
- d. The provisions of this directive shall be in addition to, and not in place of, the requirements of D.C. Code § 2-1902(e) when that section is otherwise applicable.
- e. Members shall be aware that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution.
  - (1) Members shall request an MPD certified interviewer or qualified interpreter for any custodial interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted.
  - (2) Members shall not use telephone interpreters when conducting any custodial interrogation or taking of a formal statement; an in-person MPD certified interviewer or qualified interpreter shall always be used.
  - (3) The preferred method for interviewing an LEP/NEP individual is direct communication. Members shall request a qualified interpreter to directly communicate

with an LEP/NEP individual when an MPD certified interviewer is not available.

- f. During custodial interrogations, members shall:
  - (1) Contact an MPD certified interviewer or qualified interpreter to appear in person, unless the LEP/NEP person consents to the use of an interpreter via telephone or other exigent circumstances exist;
  - (2) Make an audio or video recording of all LEP/NEP custodial interrogations unless exigent circumstances exist;
  - (3) Advise the LEP/NEP person of all their rights, to include Miranda;
  - (4) Provide all written forms and notices to LEP/NEP persons in their primary language, when available; and
  - (5) In the case of forms that have not been translated into the LEP/NEP person's primary language and in the case of illiteracy, have the forms read to the individual by the MPD certified interviewer or qualified interpreter, in the LEP/NEP person's primary language.

## 5. Field Contacts, Enforcement, and Investigations

- a. Members shall use the resources outlined in this order in all instances involving LEP/NEP persons when conducting field contacts, stops, serving restraining orders, conducting crowd/traffic control, executing warrants, and during other routine field activities.

## 6. Incident Reports

- a. Whenever a member prepares a Field Report regarding an incident involving an LEP/NEP person, members shall identify on the report:
  - (1) The primary language spoken by the LEP/NEP individual;
  - (2) The MPD member, telephone interpreter, or qualified interpreter who conducted the interview or provided the interpretation in the LEP/NEP person's language; and
  - (3) The manner in which interpretation services were provided.

7. Interpreting by Family Members or Friends of the LEP/NEP Individual
  - a. Members **shall not** use family members, neighbors, friends, volunteers, bystanders, or children to interpret for LEP/NEP persons unless exigent circumstances exist and a more reliable interpreter is not available, especially for communications involving witnesses, victims, and potential suspects, or in investigations, collection of evidence, negotiations, or other sensitive situations.
  - b. In the case of exigent circumstances, the member shall:
    - (1) Ensure the person used to interpret:
      - (a) Has no apparent conflict of interest with the LEP/NEP person; and
      - (b) Appears to be of sufficient age and maturity to understand the nature of the communications with the police.

NOTE: Even where the LEP/NEP person requests it, a member may decline to use a minor child to interpret if, in the member's judgment, the child is not of sufficient age or maturity or is otherwise unable to interpret effectively.
    - (2) If a family member, neighbor, friend, volunteer, bystander, or child is used to interpret, the member shall complete an "Offer of Free Interpreter Services Waiver Form" and follow the procedures in Part IV.A.1.b.(2)(b) of this order.
8. Effective Communication of Arrest, Charging, and Booking Information
  - a. As soon as any necessary auxiliary aids (e.g., phonetic cards, common phrases cards) or services have been obtained, including, if necessary, the arrival of a qualified interpreter, the nature of the charges and all other information generally provided to arrestees under similar circumstances shall be communicated effectively and promptly to the LEP/NEP arrestee.
  - b. Members shall effectively communicate the information:
    - (1) In the field, to the extent it is provided to arrestees generally, where provision of effective communication is not reasonably likely to result in:

- (a) An increased risk of disruptive conduct by onlookers;
    - (b) An increased risk to the safety of a member, the arrestee, or any other person;
    - (c) A suspect's escape;
    - (d) The loss of evidence; or
    - (e) Unreasonable delay in transporting the arrestee to the station;
  - (2) Promptly upon booking at the station, if not already communicated in the field; and
  - (3) No later than two hours after arrest, unless not possible by reason of injury or other exigent circumstances.
- c. In mass arrest situations occasioned by riot, organized civil disobedience, or other widespread civil disturbance, members shall:
  - (1) Notify the OUC of the need to summon a qualified language interpreter as soon as it becomes apparent that an LEP/NEP person is among the arrestees.

NOTE: The OUC will summon a qualified language interpreter (or more than one, as necessary) to come to the location where the arrestee will be booked and processed.
  - (2) When using the language interpreter, book and process the LEP/NEP arrestee in the same manner and with the same speed as other arrestees who are not LEP/NEP.

## 9. Citation Release and Post and Forfeit for LEP/NEP Individuals

- a. When a LEP/NEP arrestee is released either by citation release or by post and forfeit, station personnel shall ensure the arrestee is provided with the "Notice to Appear in Court or Post and Forfeit" form in the appropriate language.
  - (1) The "Notice to Appear in Court or Post and Forfeit Form" is available in the following languages: Amharic, Chinese, English, Korean, Spanish, Vietnamese, and French.

- (2) Members shall access the forms from the District of Columbia Court's website:  
[http://www.dccourts.gov/internet/legal/aud\\_criminal/criminalforms.jsf](http://www.dccourts.gov/internet/legal/aud_criminal/criminalforms.jsf). If the District of Columbia Courts website is not working, members may access the forms from the MPD Intranet by clicking "PEP Arrest Packages" under "Investigative Services" on the MPDC Inside Homepage.
  - b. If a "Notice to Appear in Court or Post and Forfeit" form is not available in the arrestee's corresponding language, the member shall:
    - (1) In accordance with the procedures in this order, seek assistance in interpreting the form for the arrestee.
    - (2) Complete the language interpretation fields on the Arrest Card in the RMS.
    - (3) Provide the arrestee with the English version of the form after the arrestee is provided interpretation services.
10. Issuing a PD Form 47 (Warning as to Your Rights) to LEP/NEP Individuals
  - a. Members who need to complete a PD Forms 47 (Warning as to Your Rights) for LEP/NEP arrestees shall use the form in the arrestees' corresponding language.
  - b. The PD Form 47 may be found on the MPD Intranet by clicking "PEP Arrest Packages" under "Investigative Services" on the MPDC Inside Homepage and is available in the following languages: Amharic, Chinese, English, Korean, Spanish, Vietnamese, and French.
  - c. If a PD Form 47 is not available in the arrestee's corresponding language, the member shall:
    - (1) In accordance with the procedures in this order, seek assistance in interpreting the form for the arrestee.
    - (2) Complete the language interpretation fields on the Arrest Card in the RMS.
    - (3) Provide the arrestee with the English version of the form prior to their release.
11. Interviewing a Victim, Complainant, or Witness Who is LEP/NEP



- a. If it is determined that a qualified interpreter is necessary to communicate effectively with a victim, complainant, or witness, then the investigating member shall provide the victim, complainant, or witness with a qualified interpreter.
- b. If the investigating member cannot wait until a qualified interpreter arrives because the member has to respond to another call, then:
  - (1) The investigating member shall contact his or her supervisor and advise the supervisor of the case before leaving the scene, if circumstances permit.
  - (2) The supervisor shall:
    - (a) Request that the OUC dispatch a qualified interpreter to the location of the victim, complainant, or witness, and
    - (b) Request that the OUC re-contact the member when the interpreter arrives.
  - (3) The member can request that the victim, complainant, or witness come voluntarily to the station house when a qualified interpreter is available. At that time, the investigating member shall return to the station house to complete the investigation.
- c. In conducting any criminal, traffic, or other investigation, no member shall rely solely on statements of others, without communicating with a LEP/NEP person, if the member would have communicated with a similarly situated person who was not LEP/NEP.

## 12. Search Warrants and Consent to Search

- a. Members shall ensure compliance with GO-PCA-702.03 (Search Warrants) when conducting searches.
- b. Execution of Search Warrants:
  - (1) If a member executing a search warrant becomes aware of or has reason to believe a person with whom the member is communicating for that purpose may be LEP/NEP:
    - (a) The member shall use the resources presented in Part IV.A and IV.B to the extent that it is practical to do so.

- (b) However, the use of those resources shall not prevent the member from executing the warrant.
  - (2) If, in order to execute the warrant, the member needs to communicate with an LEP/NEP individual (for instance, to determine which part of the premises or property fall within the scope of the warrant), the member shall use the resources presented in Part IV.A. and IV.B., after first securing the premises to ensure the safety of all individuals and the prevention of destruction of evidence.
  - (3) If a member is executing a search warrant in a situation involving an LEP/NEP person without first using the resources presented in Part IV.B.:
    - (a) The member shall determine whether, in the member's judgment, the execution of the warrant is likely to take longer than 90 minutes.
    - (b) If, in the member's judgment, the execution of the warrant is likely to take longer than 90 minutes, and it appears that either the member or the LEP/NEP person wishes to communicate with the other, the member shall:
      - (i) Use the resources presented in Part IV.A. and IV.B. as soon as it is practical to do so; and
      - (ii) Summon an MPD certified interviewer, telephonic interpreter, or other qualified interpreter, if required.
- c. Seeking Consent to Search
  - (1) A member shall not obtain consent to enter or to search from an LEP/NEP person until an MPD certified interviewer, or other qualified interpreter, if required is made available to the LEP/NEP individual.

## G. Documentation and Reporting

### 1. Listing of MPD Certified Interviewers

#### a. The Language Access Programs Branch Manager shall:

- (1) Maintain a listing of all MPD certified interviewers. The list shall contain the name of the member, the member's

badge number (if applicable), CAD number, the language for which the member has been certified and the date of the certification and its expiration.

- (2) Provide the list and any updates to the list to the Human Resources Management Division (HRMD).

## 2. Data Collection

- a. The District's Language Access Act of 2004 requires MPD to "collect data about the languages spoken and the number or proportion of limited or non-English proficient persons speaking a given language in the population that is served or encountered, or likely to be served or encountered."
- b. Each year, the Language Access Programs Branch shall collect LEP/NEP data (i.e., all calls for service, contacts, and investigations) that require a Field Report and report this information to the Chief of Police and other government officials, as appropriate.

## 3. Community Outreach

- a. Members shall inform the public at community meetings and other appropriate venues that language assistance services are available free of charge to LEP/NEP persons.

## H. Staff Training

1. In an effort to ensure all members are properly trained in these guidelines, the Metropolitan Police Academy (MPA) shall provide periodic training in:
  - a. Member awareness of the LEP/NEP policies;
  - b. How to access both in-person and telephone interpreters; and
  - c. How to work with interpreters.
2. The MPA shall conduct such trainings:
  - a. For new recruits and civilians;
  - b. Periodically at in-service training; and
  - c. During roll call training for members at least once every two years.

## I. Language Services Stipend

1. Members may be certified in any foreign language and American Sign Language provided the certifying agency the Department has contracted with is capable of testing the member in the foreign language.
2. Although the MPD recognizes members who are multilingual, MPD shall only issue one stipend per member, regardless of the number of languages that the member is certified as being proficient.
3. Full time permanent sworn or civilian member may request, through the chain-of-command to the Language Access Program Manager or his or her designee, to test for language proficiency and thereby receive the language stipend upon certification.
4. All requests for language certification shall be reviewed by the Language Access Program Manager to determine eligibility, and the Language Access Program Manager or his or her designee shall arrange for the member to be tested by an outside certifying agency.
5. To receive a language skills stipend, a member shall demonstrate that he or she has been certified to speak a foreign language at a proficiency level three (High Intermediate) or above.
  - a. Provided that the member uses the authorized vendor selected by the Department, the cost of taking the certification examination shall be paid by the Department.
  - b. The Department shall only recognize certifications from authorized vendors selected by the Department.
  - c. Members who fail the certification examination shall not be eligible to reapply for certification until 12 months from the date of the last examination.
6. Members shall be re-certified to receive language skills stipends every three years. Members who fail to re-certify shall be ineligible to receive the stipend.
7. Members receiving a language skills stipend shall be aware that they may be required to respond outside of their assigned organizational element in order to provide translation services in the language for which they have been certified.
8. Members may appeal the denial of the language skills stipend.

- a. Any member who has taken the language skills examination but has not scored a proficiency level of three or above may request to have his or her test reviewed by the certifying agency. The request for review of the test score shall be made in writing to the Language Access Programs Branch Manager and shall state the reasons the member believes he or she is entitled to a re-test.
- b. The Language Access Programs Branch Manager shall review the request and upon determination that the member is entitled to a re-test shall forward the request to the certifying agency for the re-test. The decision of the certifying agency with respect to the re-test is final.

## **V. ROLES AND RESPONSILITIES**

- A. The Language Access Programs Branch Manager shall:
  1. Coordinate with the Director of the MPA to educate and train the Department on the requirements of the DC Language Access Act of 2004 and provide refresher trainings on this General Order and others related to Language Access.
  2. Provide information regarding the Language Line Telephonic Interpreter Service to members upon request.
  3. Periodically issue guidance reminding members of the information necessary to access the Language Line Telephonic Interpreter Service.
  4. Respond to the Office of Human Rights (OHR) findings of noncompliance with the Language Access Act:
    - a. By addressing the required remedy within the timeframe designated in the OHR's final decision and order; or
    - b. By filing for reconsideration within 15 calendar days of receiving the OHR's final decision and order in accordance with DCMR § 4-1225 (Reconsideration).
  5. Track language access complaints made against members at the Districts and through the Office of Police Complaints.
  6. Be responsible for the following duties related to the language service stipend:
    - a. Notify member of the results of the language certification examination.

- b. Forward the certification to the Payroll to initiate the Language Skills stipend in the member's paycheck.
- c. Re-evaluate members every three years to determine their continuing eligibility to receive a language skills stipend.

**B. Commanding officials shall:**

1. Ensure district stations and specialized units that are open to the public have a supply of “How to File a Complaint Against a Police Officer” brochures, in Amharic; Chinese; English; Korean; Spanish; Vietnamese; and French, and display signage informing persons who visit or are taken to an MPD facility of their right to obtain assistance free of charge in a language they can understand. The following signage may be obtained from the Language Access Programs Branch:

a. *“Interpretation Services Available” Wall or Desktop Poster* – A poster or desktop sign produced by Language Line Services, Inc. that states the following in twenty languages:

“Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”

b. *“We Can Help You” Poster* – a poster that states the following in six languages:

“We Can Help You In Over 150 Languages. It is the policy of the Metropolitan Police Department to provide quality, accurate, and timely services to all persons who wish to use or participate in MPD services, programs, and activities, regardless of their ability to speak English. If you do not speak English very well or simply feel more comfortable speaking in a language other than English, please feel free to ask any MPD member for assistance in your language. We will arrange to obtain someone who speaks your language at no cost to you.”

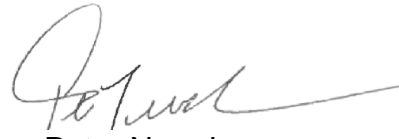
**VI. DEFINITIONS**

When used in this directive, the following terms shall have the meanings designated.

	<b>Term</b>	<b>Definition</b>
1	Bilingual	Ability to use two languages proficiently.
2	Certified interviewer list	Accounting of MPD personnel who are bilingual or multilingual and are authorized to act as qualified interviewers. The Internal Affairs Bureau, Equal Employment Opportunity (EEO) Investigative Division, Language Access Programs Branch, develops and maintains this list and provides it to entities requiring this information.

3	Exigent circumstances	Situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence (e.g., physical loss of property, witness or victim).
4	"I Speak" Card	The "I Speak" card, issued by the D.C. Office of Human Rights (OHR), is a wallet-sized card that states the following in both English and one of six languages: "I speak (Language). I need language assistance. Please make note of my spoken language in your records, as well as my need for an interpreter."
5	Language access services	Assessing the need for and offering oral language services, and providing written translation of "vital documents".
6	Language skills certificate	Certificate issued by an accredited language skills program that indicates a person is qualified and certified to provide interpretation or translation services in a particular language.
7	Language skills stipend	Stipend not to exceed fifty dollars (\$50.00) per stipend period (i.e., two-week pay period) for members who have been certified to provide translation or interpretive services in the performance of their job responsibilities.
8	Limited or non-English Proficiency (LEP/NEP)	Inability to adequately understand or to express oneself in the spoken or written English language.
9	MPD certified interviewer	Bilingual or multilingual MPD member who has been certified to interview LEP/NEP persons in certain situations.
10	Member	Sworn or civilian MPD employee or MPD Reserve Corps member.
11	Multilingual	Ability to use more than two languages proficiently.
12	Oral interpreter	Person who translates orally from one language (source language) into another language (target language).
13	Primary language	Native tongue or the language in which an
14	Qualified interpreter	Individual who has been certified by the District or other designated qualifying agency to provide oral interpretation services. A qualified interpreter may be an employee of another District or outside agency contracted to provide oral interpretation services to the MPD. The MPD will contract with outside agencies to provide in person as well as telephonic interpretation services.
15	Telephonic interpreter	Qualified interpreter who provides language interpretation services over the telephone.
16	Translation	Replacement of wording from one language (source language) into an equivalent wording in another language (target language). <ul style="list-style-type: none"> <li>a. Written translation – replacement of written text from one language (source language) into an equivalent written text in another language (target language).</li> <li>b. Sight translation – oral rendition of a written text from the source into the target language; it is not normally a direct word-for-word translation. (Generally, the interpreter has not had time to study the text but has made a cursory review.) MPD</li> </ul>

		<p>certified interviewers are qualified to provide sight translation.</p> <p><u>NOTE:</u> Interpretation and translation, while both language-related, are not identical disciplines. Each area requires expertise, content domain knowledge, training, and practice. Credentialing is different for each area. Some practitioners are equally adept at both; others specialize in one discipline or the other. Although the public and media often use the terms interchangeably, the general practice is to use the word "interpretation" when referring to oral speech and "translation" when referring to written texts.</p>
17	Vital document	<p>Application, notice, complaint form, legal contract, or outreach material published by MPD in a tangible format that informs individuals about their rights or eligibility requirements for benefits and participation.</p>



Peter Newsham  
Chief of Police

PN:KDO:MOC:JC





# METROPOLITAN POLICE DEPARTMENT



## TITLE VI Program Rights

The Metropolitan Police Department gives public notice of its policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 following the date of the alleged occurrence to:

Metropolitan Police Department  
Internal Affairs Division, Second Floor  
64 New York Avenue, NE  
Washington, DC 20002  
(202)727-4385  
24-hour toll-free hotline: 1-800-298-4006  
Citizen.complaints@dc.gov

<https://mpdc.dc.gov/page/how-file-citizen-complaint-or-commendation>

Complaints may also be filed directly with the Office of Police Complaints at:

Office of Police Complaints  
1400 I Street, NW, Suite 700  
Washington, DC 20001  
(202)7273838  
24-hour toll-free hotline: 866-588-0569

<https://policecomplaints.dc.gov/>

\*The Office of Police Complaints considers a complaint to be timely filed if received within 90 days

More information regarding the Metropolitan Police Department's Title VI Program can be viewed at <https://mpdc.dc.gov/page/mpd-compliance-title-vi>

