



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

Charles Lovell, Chief of Police

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January 7, 2021

Mary Hull Caballero
City Auditor
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Dear Auditor Hull Caballero:

I appreciate the opportunity to review and respond to the Independent Police Review Division's report regarding the Police Bureau's Limited English Proficiency Policy Review.

As discussed in the report, communicating effectively with all members of our community builds trust and improves public safety efforts. We agree with many of your recommendations and have been trying to further our communication abilities. This year at the beginning of the pandemic, we increased our usage of our Spanish twitter account by having a native Spanish-speaking officer translate key messages to post. Members of our Slovak Advisory Council and Muslim Advisory Council also volunteered to translate key messages regarding public safety efforts during the pandemic. Those messages were checked by the Language Line and then posted on our website. We learned later that those efforts were not allowed under the new Language Access Resolution, as all translations have to be completed by a City contractor. Therefore, prior to Election Night when we were concerned about possibly unrest in the city, we ensured we had key messages translated into four safe harbor languages by the City's translation contractors. On Election Night, we implemented a pilot project and had one of these contractors provide Spanish-language services. The contractor translated any orders by the Incident Commander to our Spanish Twitter feed during this fluid crowd control situation.

I present these examples to illustrate some of the thoughtful work that has been done recently to address language access. It also illustrates that while we greatly desire inclusive and widespread language access, we are challenged with some of the logistical issues involved as well as the significant costs associated with providing translation services. However, the Portland Police Bureau continues to work with the City's Office of Equity and Human Rights on how to begin to implement items contained within the Language Access Resolution.

Thank you again for allowing for an ongoing collaborative effort to address these important issues around communication with our community. I look forward to our continued partnership.

Sincerely,

Charles Lovell III
Chief of Police

CL/tws

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PPB Response to IPR LAP Recommendations

IPR Recommendation 1. Revise Bureau policy and practices to meet obligations established by the Language Access resolution and incorporate recommendations made by the United States Department of Justice including:

PPB Response: *The Bureau is currently redeveloping its language access policy (DIR 640.36). As a result of the review, the Bureau is, at present, considering several components of the IPR's recommendations. The Bureau will also ensure the policy satisfies requirements established in the Council resolution on language access.*

IPR Recommendation 1a: Adopt a policy that requires the regular assessment of the number of people with limited English proficiency in the Bureau's service area.

PPB Response: *This recommendation presents resource and logistical challenges if conducted at the Bureau level, given the scale of the proposed assessment. The Bureau understands IPR's desire for PPB to conduct regular assessments of the LEP community to inform its understanding of the needs of those groups. However, the Bureau submits that the City should bear the responsibility for measuring and evaluating the needs of Portland's LEP communities as it relates to all services the City provides to these groups. Per the resolution referenced in the recommendation, City Council directs OEHR to provide tools and resources to Bureaus to support the development of Bureau-specific policies and practices. Perhaps, OEHR could adopt this function.*

IPR Recommendation 1b: Incorporate two new data collection fields in the Bureau's mobile computing software that captures the preferred language of people encountered and the language assistance service provided.

PPB Response: *The Bureau agrees with this recommendation in concept and may be able to adopt it, in part. While it may be feasible for the Bureau to develop a system or mechanism by which it would track the number of LEP individuals with whom Bureau members have contact and document the language they encounter and communication aid/service utilized, the Bureau needs to determine the following, prior to agreeing to implementing the full recommendation: Optimal tracking mechanism (e.g., the CAD may not be practical); the incident level (e.g., incident level may affect sample size); and how members in different units will document this information (e.g., DET does not use the CAD or write a GO for all interactions.-this may further restrict sample size).*

IPR Recommendation 1c: In the Bureau's report of the number of people with limited English proficiency in the service area, include and explain all available sources of language assistance, address how officers will be trained to use language resources, and a plan for notifying community members of available services, which documents will be available in different languages, and how the Bureau will monitor and update its plan to ensure continual effectiveness,

PPB Response: *The Bureau echoes its concern expressed in response to Recommendation 1a as it pertains to this recommendation's reference to the assessment (1a); however, the Bureau does*

agree that it is possible to include member training and general language access resource information in any required reporting document.

IPR Recommendation 1d: Provide a list of available bilingual officers to officers on patrol and chief detectives, including proficient language and shift worked and share the bilingual officer list with dispatch services.

PPB Response: *The Bureau agrees with this recommendation and is currently exploring how to implement the change. The Bureau recently conducted a voluntary internal survey of its members to assess how many members have bi-/multi-lingual skills, their level of proficiency (self-described), and their willingness to provide interpretation and/or translation services as part of their duties/assignment. The Bureau views this as the first step to developing the internal list, as described in the recommendation.*

IPR Recommendation 1e: Create an online portal that helps people file complaints related to translation services and ensure precincts are stocked with copies of complaint forms in multiple languages.

PPB Response: *The Bureau agrees with the first part of the recommendation in concept, relating to on-line commendations and complaints. Furthermore, the Police Bureau believes these forms should also be provided on IPR's webpage as they also receive and process commendations and complaints. The recommendation around maintaining physical copies of complaint forms poses somewhat of a challenge, as it imposes a budget constraint.*

The Bureau commits to working with OEHR, and IPR, to both procure the necessary resources to provide equitable access to language resources and services, and to ensure that it (the Bureau) fulfills the obligations described in the language access resolution passed by City Council.

IPR Recommendation 1f: Have a qualified language professional translate webpages or, at the minimum, review PPB webpages that are currently translated by software for inaccuracies.

PPB Response: *Similar to its response to Recommendation 1a, the Bureau holds that this imposes resource and logistical challenges. Given that all City Bureaus' webpages are included on the City's site, the PPB submits that this should be a City function, as it requires a citywide language assessment and a determination about the languages in which the City should translate the sites.*

IPR Recommendation 1g: Explore the feasibility of translating the criminal citation form into commonly encountered languages.

PPB Response: *The criminal citation form is provided to PPB by the state court system, and the content of the form is prescribed by ORS. PPB would need to open a dialogue with the court system regarding the feasibility of translation. Even if the courts approve the translation, the*

cost of translating, printing, and distributing the forms places a substantial financial burden on PPB.

PPB suggests a more fiscally responsible solution is to provide information and resources on the City's Website, in commonly encountered languages, on the court process and citation form.

IPR Recommendation 1h: Explore the feasibility of translating the rights advisement form into commonly encountered languages.

PPB Response: *PPB agrees with this recommendation. However, the cost of translation, printing, and distribution of the forms would place a financial burden on the Police Bureau. The Police Bureau suggests developing an on-line resource to reduce the overall cost of implementing this recommendation.*

IPR Recommendation 1i: Explore the feasibility of obtaining certification for bilingual officers.

PPB Response: *The Bureau agrees with this recommendation in concept, as it recognizes the importance of establishing proficiency standards for members who provide interpretation and translation services. Creating a certification program for members not only officially authenticates members' language skills, but it also ensures that the Bureau's communication with LEP individuals is accurate, consistent, and of high quality.*

The Bureau is currently in the process of exploring how to implement a certification program; however, such a program may be cost prohibitive in the current budget environment. The Bureau will aim to work with OEHR to ascertain what, if any, financial resources are available to support implementation.

IPR Recommendation 1j: Incorporate language assistance training into annual in-service curriculum.

PPB Response: *The Bureau agrees with this recommendation in concept. The nature, timing, and scope of this training may be contingent upon the budget. The Bureau certainly recognizes that members who provide interpretation and/or translation services may require extensive ongoing training related to using their language skills.*

IPR Recommendation 2. In accordance with guidance from the Office of Equity and Human Rights and the Police Bureau's Equity Team, provide direction to officers in a new translation policy on:

IPR Recommendation 2a: Appropriate use of family members and civilians as translators only in exigent circumstances,

IPR Recommendation 2b: Circumstances where it is necessary to use a certified professional interpreter instead of a bilingual officer,

IPR Recommendation 2c: Precise circumstances where language services are required to be used.

PPB Response: *The Bureau agrees with these recommendations and plans to incorporate related guidance into the revised directive.*