



Department of Justice

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Justice Department Announces Memorandum of Agreement with Town of Mattawa, Washington, and Mattawa Police Department

WASHINGTON – The Department of Justice today announced a Memorandum of Agreement under Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act, with the town of Mattawa, Wash., and the Mattawa Police Department (MPD). The memorandum and accompanying language assistance plan reflect the efforts of the town’s mayor, police chief, legal counsel, and town council to ensure that the town and the MPD take reasonable steps to provide limited English proficient (LEP) persons with meaningful access to town and MPD services.

Today’s agreement is the first such agreement of its kind in the state of Washington and resolves two complaints alleging that the town and the MPD violated Title VI and the Safe Streets Act by failing to provide meaningful access to LEP victims of domestic violence, and thereby discriminating on the basis of national origin.

Town officials worked diligently to hire interpreters and bilingual staff, and began implementing measures to ensure that LEP persons had access to town services before an agreement was reached.

The 2000 census shows that the town of Mattawa has a total population of 2,609, of whom 2,343 (89.8 percent) are Hispanic persons. In addition, the 2000 Census shows that 83 percent of the town’s Hispanic residents over the age of 18 speak English less than “very well,” and are thus considered LEP. The memorandum of agreement and language assistance plan provide a framework to ensure that the town’s numerous LEP residents have meaningful access to town services.

MEMORANDUM OF AGREEMENT (MOA)

BETWEEN

THE UNITED STATES OF AMERICA

AND

**TOWN OF MATTAWA, WASHINGTON &
TOWN OF MATTAWA POLICE DEPARTMENT**

DEPARTMENT OF JUSTICE NUMBERS 171-81-2; 171-81-3

A. SCOPE OF THE INVESTIGATION

This matter was initiated by a complaint filed under Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000d, *et seq.*, (Title VI) and the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. §3789d(c) (Safe Streets Act) with the United States Department of Justice (DOJ or the Department) against the Town of Mattawa, Washington (Town) and Town of Mattawa Police Department (MPD). The complaints (nos. 171-81-2; 171-81-3) allege that the Town and MPD failed to take reasonable steps to provide meaningful access to limited English proficient (LEP) persons as required by Title VI, the Safe Streets Act, and their implementing regulations.

This MOA does not constitute an admission with regard to the complainants' allegations. The purpose of this MOA is to memorialize the Town's and MPD's commitment to improve its development and implementation of policies, procedures, and training to ensure that an LEP individual may not be denied meaningful access to information, services, programs, or activities of the Town or MPD because of the individual's LEP status or because of the lack of language assistance measures needed for meaningful communication.

The parties to this MOA are the United States of America, the Town of Mattawa, and the Town of Mattawa Police Department. In order to avoid the burdens and expenses of further investigation and possible litigation, the parties hereby agree as follows:

B. JURISDICTION

DOJ has jurisdiction over this matter under Title VI and the Safe Streets Act. Together, these statutes and their implementing regulations, codified at 28 C.F.R. §42.101, *et seq.*, and §42.201, *et seq.*, prohibit discrimination on the basis of race, color, national origin, sex, and religion in DOJ-funded programs or activities, and provide jurisdiction for DOJ to investigate and resolve the complainants' allegations.

The MPD and the Town are recipients of federal financial assistance. The Town maintains a small population—3,265 in 2004—and a police force that generally consists of fewer than five officers. During the course of this investigation, the Town instituted several changes in its and MPD's programs and activities specifically to provide meaningful access to LEP individuals. The Town also expressed an interest in technical assistance from DOJ in memorializing these changes in the attached Language Assistance Plan.

The Department is authorized under 28 C.F.R. Part 42, Subpart C and Subpart D, to investigate the complaint in this matter to determine the recipients' compliance with Title VI and the Safe Streets Act, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance. Furthermore, the Attorney General is authorized under 28 C.F.R. §42.108 and 28 C.F.R. §42.210, to suspend or terminate financial assistance to recipients of Department assistance should the Department fail to secure voluntary compliance pursuant to Subpart C or Subpart D, or to bring a civil suit to enforce the rights of the United States under applicable federal, state, or local law.

The Department has not issued a finding of non-compliance against the Town or the MPD. Neither the Town nor MPD admit to violating any provision of law, regulation, or other authority cited in this MOA.

C. POLICY REVISIONS

1. The Town and MPD agree to comply with Title VI, the Safe Streets Act, and their implementing regulations and to provide meaningful access to all individuals in encounters with the police department regardless of their national origin or limited ability to speak, read, write, or understand English. The Town and MPD will take reasonable steps to ensure that they communicate effectively with LEP persons in the language(s) in which they are proficient.
2. The attached Language Assistance Plan [Attachment A] is incorporated by reference as part of this MOA and will be adopted upon the effective date of the MOA. The Town and the MPD will take the following steps:
 - a. Distribution of the Language Assistance Plan to all staff, employees, officers, and managers in the Town and MPD;
 - b. Distribution of the Town and MPD's Language Assistance Plan to a variety of community organizations serving LEP communities, including, but not limited to, those serving LEP individuals who speak Spanish and other LEP communities served or encountered by MPD; and
 - c. Translation of the Language Assistance Policy Statement into Spanish and other languages as appropriate, and posting of the English and translated versions in a public area of the police department building, Town Hall, and the U.S. Post Office lobby.

Within **30 days** of the effective date of this MOA, the Town and MPD will provide DOJ with a record of the actions described in paragraphs a, b, and c above.

D. TRAINING, POLICY, AND DOCUMENTATION

1. At **3 months, 12 months, and 21 months** from the effective date of this MOA, the Town and MPD will submit written documentation to DOJ summarizing the actions the Town and MPD have taken to implement this MOA, and actions taken consistent with the attached Language Assistance Plan [Attachment A], and the Department of Justice Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons [Attachment B].

2. Within **4 months** from the effective date of this MOA, the Town and MPD will provide DOJ with evidence that all staff members of the Town and MPD having potential contact with LEP persons have been trained during in-service training sessions on the policies and procedures for ensuring meaningful access to LEP persons. Additional periodic in-service and newly hired employee training will be provided and reported upon annually as noted elsewhere in this MOA.

3. Within **4 months**, and thereafter at **12 months** from the effective date of the MOA, and **21 months** from the effective date of MOA, the Town and MPD shall provide the Department copies of all document translations and data that are collected pursuant to the Language Access Plan.

4. For **2 years** from the effective date of this MOA, the Town and MPD shall provide notice to the Department of any language access training that it will conduct for Town employees, MPD personnel, interpreters, and others pursuant to the Language Access Plan. Such notice shall be provided at least **30 days** before the training takes place. DOJ shall provide notice of whether it will attend the training at least **2 weeks** before such training takes place.

5. DOJ may review compliance with this MOA at any time. If the Department believes that the Town or MPD have failed to comply in a timely manner with any requirement of this MOA without obtaining sufficient advance written agreement from DOJ for a modification of the relevant terms, DOJ will so notify the Town or MPD in writing and will attempt to resolve the issue or issues in good faith. If DOJ is unable to reach a satisfactory resolution of the issue or issues raised within **30 days** of the date it provided notice to the Town or MPD, it may institute a civil action in federal district court to enforce the terms of this MOA.

6. Failure by DOJ to enforce this entire MOA or any provision thereof with regard to any deadline or any other provision herein shall not be construed as a waiver of DOJ's right to enforce other deadlines and provisions of this MOA.

7. This MOA is a public document. Upon request, a copy of this document or any information contained in it shall be made available to any person by the Town, MPD, or DOJ.

8. This MOA constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written MOA, shall be enforceable. This MOA does not purport to remedy any other potential violations of Title VI and/or the Safe Streets Act or any other federal law. This MOA does not affect the Town's or MPD's continuing responsibility to comply with Title VI, the Safe Streets Act, or any other federal law. Nor does it preclude DOJ from carrying out its duties under Title VI and the Safe Streets Act should a new complaint be filed with DOJ.

9. No person or entity is intended to be a third-party beneficiary of the provisions of this MOA for purposes of any civil, criminal, or administrative action. Nor shall any person or entity be permitted to assert any claim or right as a beneficiary or protected class under this MOA. This MOA is not intended to impair or expand the right of any person or organization to seek relief against the Town or MPD or its officials, employees, or agents for their conduct; accordingly, this MOA does not alter any legal standards governing such claims.

10. This MOA shall not be used against the Town or MPD in any proceeding other than a proceeding as between the United States and the Town or MPD.

11. The effective date of this MOA is the date of the last signature below.

12. This MOA will remain in effect for two years from the effective date.

13. The person or persons signing for the Town of Mattawa and the Town of Mattawa Police Department represents that he or she is authorized to bind the Town and MPD, respectively, to this MOA.

For Town of Mattawa, Washington
and Town of Mattawa Police Department:

TOWN OF MATTAWA

By: Judy K. Esser

JUDY K. ESSER, Mayor
521 E. Government Road
Mattawa, WA 99349

Date: 3-6-08

TOWN OF MATTAWA
POLICE DEPARTMENT

By: Steve Jensen

STEVE JENSEN, Chief of Police
521 E. Government Road
Mattawa, WA 99349

Date: 3-6-08

For the United States:

GRACE CHUNG BECKER
Acting Assistant Attorney General

By: Merrily A. Friedlander

MERRILY A. FRIEDLANDER, Chief
ELIZABETH KEENAN, Deputy Chief
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950 Pennsylvania Avenue, N.W.
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Washington, DC 20530

Date: 3/18/08

TOWN OF MATTAWA
LANGUAGE ASSISTANCE PLAN

POLICY AND PROCEDURE GUIDELINES FOR CONTACTS BY MEMBERS OF THE MATTAWA POLICE DEPARTMENT AND TOWN OF MATTAWA EMPLOYEES WITH PERSONS HAVING LIMITED ENGLISH LANGUAGE PROFICIENCY.

I. PURPOSE

A. The purpose of this Policy and Procedure plan (Plan) is to establish guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act for Town of Mattawa (Town) and the Town of Mattawa Police Department (MPD) departmental personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP).

B. The Town and the MPD recognize the importance of effective and accurate communication between its employees and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the MPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability among town officials, law enforcement, and all segments of the community serves the interests of all.

II. POLICY

It is the policy of the Town to take reasonable steps to provide timely and meaningful access for LEP persons to all of the services and benefits the Town provides. The Town will inform members of the public, through the methods described in Part VII of this agreement, that language assistance services are available at the Town Hall free of charge during regular business hours.

It is the policy of the MPD to take reasonable steps to provide timely meaningful access for LEP persons to the services and benefits that the MPD provides to all departmentally conducted programs or activities. All police personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever a LEP person requests language assistance services. All police personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the MPD will provide these services to them.

III. DEFINITIONS

- A. "Primary Language" means an individual's native tongue or the language in which an individual most effectively communicates. Personnel should avoid assumptions about an individual's primary language.

EXAMPLE: Not all individuals from predominantly Spanish-speaking countries speak Spanish fluently. Instead, some may speak an indigenous language. Personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

- B. "Limited English Proficiency" (LEP) designates individuals whose primary language is not English. LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but may find these skills are insufficient in other situations.
- C. "Interpretation" is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. "Translation" is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- E. "Bilingual" is the ability to speak two languages fluently and communicate directly and accurately in both English and another language. Bilingual ability should be assessed.
- F. "Police Department Authorized Interpreter" (PDAI) is a bilingual person hired by the Town of Mattawa who has been authorized to interpret for others in situations involving the MPD.
- G. "PDAI list" is a list of persons who are bilingual and authorized to act as interpreters. The list will be created and maintained by the Town Clerk/Treasurer and provided to the MPD.
- H. "Contracted Interpreter" is a person hired for the purpose of providing qualified interpreting services.

IV. PROCEDURE FOR ACCESSING INTERPRETATION SERVICES

A. Town Services

1. The Town shall employ at least one bilingual (English and Spanish) employee during regular business hours to ensure that LEP persons have reasonable access to the Town's services, benefits, and programs. It should be noted that the Town presently employs a bilingual person in the following positions: deputy clerk/treasurer and public works employee. In addition, all three members of the Town's Planning Commission are bilingual in English and Spanish.

B. Civilian Emergency Calls to 9-1-1

1. Since the Town does not have sufficient monetary resources to maintain its own emergency communications system, such services are performed by the Multi-Agency Communications Center (MACC), a county wide communications network located some sixty miles away at Moses Lake, Washington.
2. The Town does not set the operating procedures for MACC. All 9-1-1 calls originating in the Town of Mattawa are automatically routed to MACC. The Town understands that when a LEP call is received by MACC, that MACC uses the AT&T language line for interpretation services to determine the nature of the emergency.
3. The MACC dispatcher then contacts the MPD and advises them of the emergency. The Town has formally and officially requested that the MACC specifically advise the MPD that the emergency call is from a LEP person.
4. All MPD personnel receiving the report of an emergency situation from MACC are to specifically inquire of the MACC dispatcher as to whether the call is from a LEP person.
5. MPD and Town personnel will inform the MACC immediately of any problems encountered in using the system, and will work with the MACC and other county law enforcement to provide feedback to allow the MACC to continuously review and improve the quality of 9-1-1 services for LEP callers.

C. Police Personnel Requesting Interpretation Services

1. Responding Police Personnel Responsibilities—unless the responding officer is bilingual as defined in Section III, MPD personnel shall proceed as follows:
 - a. If the officer comes in contact with an individual and determines that an interpreter is required, he or she will attempt to identify the LEP individual's primary language through the use of a language identification card provided to the officer by the MPD, or other reliable method, and immediately call the next person in rotation on the interpreter list.
 - b. Upon receipt of the report of an emergency situation from MACC, the officer receiving the report is to inquire of MACC if the situation involves a LEP person. The officer is to then immediately call an interpreter, or cause an interpreter to be called and notify him or her of the address of the incident. The interpreter is to go to a location sufficiently close to the scene to promptly interpret as soon as the officer secures the scene.
 - c. The officer then is to immediately respond to the reported address which is the location of the incident. Upon arrival, the responding officer is to survey the situation and determine if the situation is stable, *i.e.*, the presence of armed persons and weapons: and if the situation is safe and stable, the officer is to then immediately call the interpreter to the scene.
 - d. If possible, the officer will remove all persons involved in the situation to the police department along with the interpreter and conduct the investigation there. If that is not possible, the investigation will be conducted at the scene, so long as it is secure.
 - e. If in-person interpreters are not available, the office is to use telephonic interpreter services.
2. Exigent Circumstances

MPD personnel are expected to follow the procedures above. However, exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available. Examples may include the need to obtain descriptive information on a fleeing subject, or identifying information on an injured person.

However, once an exigency has passed, all personnel are expected to revert to the general procedures set forth herein.

3. Family, Friends and Bystanders

In other than exigent circumstances, MPD personnel should only use family, friends or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances involving immediate threat to health and safety while awaiting an appropriate interpreter, MPD personnel should not use minor children to provide interpreter services.

D. Contracted In-Person Interpretation Services

1. Qualified contracted in-person interpretation services shall be available to all MPD personnel when interacting with LEP individuals. The responding MPD officer shall determine if interpretation services are needed and call the next name in rotation on the list of qualified contracted interpreters. Each officer shall carry a list in his/her patrol vehicle at all times. While this service is available to all MPD personnel, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.
2. The Town of Mattawa has entered into written contracts with four interpreters.
3. Upon contact with the qualified contracted interpreter, the officer is to obtain an estimated time of arrival, which must not be longer than thirty (30) minutes from the time of the contact phone call.
4. Upon the arrival of the contracted interpreter, the officer will examine the interpreter's identification and record the interpreter's name on the investigative report along with the interpreter's arrival and departure times. Once the interpreter is prepared, MPD personnel must ask all questions through the interpreter.

It is MPD personnel's responsibility to develop and ask any questions. Under no circumstances will an interpreter independently question a LEP individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

5. If the officer believes that there is any conflict of interest with the assigned interpreter, bias or any other reason why the interpreter should be excused, the officer shall dismiss that person and call the next person on the list of qualified contracted interpreters.
6. Any time that there may be a conflict of interest or bias on the part of the interpreter the officer will forward a memorandum to the Chief of Police who will note it on the list of qualified contracted interpreters so that all MPD personnel are aware of it for future reference.

E. Civilian Emergency Calls Directly to the MPD or Town Hall:

1. Should an emergency call involving a LEP person come into either the MPD or the Town Hall during office hours, the deputy clerk/treasurer (who is fully conversant in English and Spanish), shall be asked immediately to answer the call and relay the information to the MPD. Upon determining the nature of the call, an officer shall respond as set forth above.
2. If the deputy clerk/treasurer is not available or if the caller speaks a language other than Spanish, the call shall be forwarded through the telephonic interpretation service.
3. The telephone system at both Town Hall and the MPD shall be programmed so that all calls received by either phone after regular office hours shall automatically be routed to MACC, which will respond accordingly.

V. INTERROGATION, INTERVIEWS AND COMPLAINTS

A. Criminal Interrogations

1. A failure to protect the rights of LEP individuals during interrogations risks the integrity of any investigation. MPD personnel must recognize that miscommunication during interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified contract interpreter shall be used for all interrogations as the suspect's legal rights could be adversely impacted.
2. Qualified contracted in-person interpreters shall be used at all times, without exception, in all criminal interrogations involving LEP individuals.

3. Miranda warnings, and all other vital written materials, will be available to the suspect or witness in his or her primary language. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using the qualified contracted interpretation services.

B. Crime Witness Interviews

1. These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Accordingly, a qualified contract interpreter will be used when taking any formal statement or interview from an LEP individual.

C. Complaint Procedures for LEP Persons

1. Any LEP individual, who wishes to file a complaint with the Town of Mattawa regarding language access, or the discharge of MPD duties, shall be provided with translated complaint forms. The forms will be available at the Town Hall, police station, and other designated sites. The staff member handling complaint forms and complaint intake is _____, and may be reached at _____. The complaint forms may be filed at the office of _____, or mailed to _____.
2. The Mayor or his/her designee will immediately make an investigation as to the allegations in the complaint. If necessary, a qualified contracted interpreter shall be used in conducting the investigation.
3. Within five working days of the filing of the complaint, the person conducting the investigation will provide written notice of the disposition of any LEP complaint in the complainant's primary language.
4. In the event formal disciplinary charges result from a LEP complaint, the Mayor will ensure that a qualified contracted in-person interpreter is available for any scheduled hearing.
5. There shall be a sign posted in the most commonly spoken languages at the Town Hall, the MPD, and the U.S. Post Office lobby stating the right to file a complaint under Title VI of the Civil Rights act of 1964 and the steps for filing a complaint.

VI. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES

A. Identification and Translation of Vital Documents

1. The Mayor, with input from the Mayor's Language Access Committee¹, community-based organizations, and the U.S. Department of Justice, shall be responsible for classifying all town documents as vital or non-vital, and determining into what languages the vital documents should be translated. The Mayor or his or her designee will be responsible for ensuring translation and distribution of the documents.
2. The Chief of Police, with input from the Mayor's Language Access Committee, community-based organizations, and the U.S. Department of Justice, shall be responsible for classifying all departmental documents as vital or non-vital, and determining into what languages the vital documents should be translated. The Chief of Police will be responsible for ensuring translation and distribution of the documents.

B. Translation of Investigative Documents

1. Should an investigator need a note, letter, or other document translated for an investigation, a request will be forwarded to the Chief of Police, who shall thereupon approve or deny the request, consistent with the requirements of the law. The services of a qualified contracted translator shall be used for such translations.

VII. NOTIFYING THE PUBLIC ABOUT THE TOWN AND MPD LANGUAGE SERVICES

- A. There shall be a sign posted in the most commonly spoken languages at the Town Hall, MPD and the U.S. Post Office Lobby stating that language assistance services are available free of charge to LEP individuals involving contact with MPD personnel.
- B. The Town shall also maintain translated written public forms and documents for LEP individuals. A list of these documents and forms along with the available languages is listed in Appendix A of this Plan.
- C. Notification of the availability of translated forms and documents will be posted in the lobby of Town Hall and the MPD Office, to inform LEP persons

¹ Pursuant to section IX (A) of this Plan, the Mayor shall establish a Language Access Committee comprised of Mattawa residents who are familiar with the issues facing LEP individuals.

about which forms are readily available. In the case of illiteracy or languages into which materials have not been translated, such forms and documents will be read to LEP individuals in their primary language.

- D. The Town shall use local media, such as Spanish language newspapers and radio stations, to publicize the availability of interpreter and translation services for LEP individuals residing in the Town. The Town shall consult with community groups when identifying and selecting the media sources that it will employ to publicize the availability of language assistance, to ensure their effectiveness.
- E. The Town shall publicize the availability of town services to Spanish speaking LEP individuals at events that are well attended by the Hispanic LEP community, such as the weekend flea market that the town sponsors and is overseen by Reverend Alfredo Gutierrez. Reverend Gutierrez is bilingual in English and Spanish and is highly respected by the Town residents.

VIII. TRAINING - LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS.

- A. The Town and the MPD will provide periodic training to personnel about their LEP policies, including how to access departmental authorized interpreters, and on commonly accepted techniques for using interpreters, e.g., pausing to allow the interpreter a chance to interpret; speaking to the alleged victim or witness rather than to the interpreter; avoid saying, "ask her . . .," etc.
 - 1. The Town shall conduct training for newly hired personnel upon the commencement of their employment. In addition, all Town personnel shall participate in a training every two years. Training shall initially be conducted within 30 days of the effective date of this Plan.
 - 2. The MPD shall conduct such training for new recruits and at in-service training at least every two years. Training shall initially be conducted within thirty days of the effective date of this Plan, and within thirty days of the hiring date of a new officer.
- B. The Town and MPD personnel identified as bilingual who are willing to act as interpreters will have their language skills initially assessed by a professional interpreter. The Mayor or his/her designee shall obtain the services of a qualified professional interpreter for this purpose.
- C. After the initial assessment, those found proficient in interpreting will be placed conditionally on the PDAI List. The initial language assessment for MPD personnel hired as bilingual shall be waived if the employee chooses to

act as an interpreter. These employees will be placed conditionally on the PDAI List.

- D. All Town and MPD personnel conditionally placed on the PDAI List must successfully pass the training called for herein below in subparagraph E. within one (1) year of hire. After successful completion of the training, the individual will be unconditionally placed on the PDAI List.
- E. In order to successfully complete interpreter training, an interpreter must:
 - 1. demonstrate proficiency in and ability to communicate information accurately in both English and in the target language,
 - 2. have knowledge in both languages of any specialized terms or concepts peculiar to the MPD and of any particularized vocabulary and phraseology used by LEP persons generally encountering the MPD and,
 - 3. understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.
- F. Those persons who have been unconditionally placed on the PDAI List must receive refresher training annually or they will be removed from the list. The Mayor or his/her designee shall be responsible for coordinating the annual refresher training and will maintain a record of training that the PDAI have received.
- G. Contracted in-person interpreters shall be subject to the same assessment and training requirements as Town and MPD personnel who conduct interpreter and translation services. This ensures that contracted in-person interpreters will provide adequate interpretation and/or translation services to LEP individuals in need.

IX. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

The Mayor or his/her designee shall be responsible for assessing demographic data, reviewing contracted language access services utilization, and consulting with the Mayor's Language Access Committee and community based organizations to ensure that the MPD is providing meaningful access to LEP persons to the services and benefits the MPD provides in all MPD conducted programs or activities.

A. Community Review:

The Mayor shall establish a Language Access Committee comprised of Mattawa residents who are familiar with the issues facing LEP individuals.

The Mayor and the Chief of Police shall review contracted language access services utilization data, and consult with the Mayor's Language Access Committee and all then existing community based organizations at least quarterly within the first two years after this Plan is adopted, and every six months thereafter in order to determine if there are additional languages into which vital documents should be translated, and if the Plan is accomplishing its intended goals.

B. New Documents:

The Mayor, with the assistance of the Mayor's Language Access Committee, shall review all new documents that the Town issues to assess whether they should be classified as vital documents and be translated.

The Chief of Police will be responsible for annually reviewing all new documents issued by the MPD to assess whether they should be considered vital documents and be translated.

C. Collection of LEP Contact Data:

The Chief of Police or his designee will be responsible for collecting MPD LEP contacts. This data may be collected through the review of MACC radio logs and billing statements submitted by the contracted in-person interpretation service providers and the review of police reports. To facilitate LEP contact data collection, when interpretation services are used, police officers will be instructed to indicate in the police report the name of the interpreter used or, in the event that a commercial telephonic interpretation service was used, the name of the commercial telephonic interpretation service used.

The Mayor or his or her designee shall be responsible for assessing demographic data, reviewing contracted language access services utilization and consulting with community-based organizations to ensure that the Town and MPD are providing meaningful access to LEP persons to the services and benefits provided in all Town and MPD-conducted programs or activities.

APPENDIX A

TRANSLATED DOCUMENTS:

1. Witness/victim statement forms.
2. Miranda warning.
3. Constitutional rights warnings.
4. Criminal Citation directions.
5. Infractions Citation directions.
5. Domestic Violence information
6. New Hope information (Safe House location and directions for domestic violence victims).

Under the agreement, the town and MPD will adopt and implement a language assistance plan, which will be translated into the Spanish language, posted in public areas, and disseminated to town employees and local community organizations serving LEP persons. In addition, the plan requires the hiring of interpreters and translation of vital documents, and establishes an outreach program to ensure that the LEP community is included in town services and programs. The memorandum of agreement allows the Department to monitor the town's progress for two years.

"I welcome the town of Mattawa's commitment to ensuring that their limited English proficient residents have access to town services and are equally protected and served by the Mattawa Police Department," said Grace Chung Becker, Acting Assistant Attorney General for the Civil Rights Division. "We are pleased that the town and the police department worked cooperatively with the Department to resolve this matter."

Title VI and the Safe Streets Act and their implementing regulations prohibit discrimination on the basis of race, color, national origin, sex, and religion in Department of Justice-funded programs or activities, and provide jurisdiction for the Department to investigate and resolve complainants' allegations.

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08-216