



128 DORRANCE STREET, SUITE 220
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org

November 24, 2010

Federal Coordination and Compliance Section – NYA
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Sir or Madam:

Please consider this a formal complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 USC §2000d [Title VI]; your Department's regulations implementing that law, 28 CFR §42.104(b)(2); and your Department's "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," 67 FR 41455 (June 18, 2002) [DOJ Guidance].

The complaint is against the Rhode Island State Police [RISP] for failing to provide meaningful access to their programs and activities by persons with limited English proficiency [LEP]. Upon information and belief, RISP receives federal funding, which thereby subjects its relevant programs to the requirements of Title VI. As an organization deeply concerned with the civil rights of LEP individuals, the Rhode Island Affiliate of the American Civil Liberties Union [RI/ACLU] requests that your Division investigate the barriers LEP persons encounter in accessing RISP programs and services and issue a Letter of Finding requiring RISP to comply with Title VI in this area.

Background

Pursuant to Rhode Island's Access to Public Records Act (APRA), R.I.G.L. §38-2-1 *et seq.*, RI/ACLU submitted a formal request to RISP on August 11, 2009, for documents related to that agency's interactions with LEP individuals.¹ The request, guided by the standards set out in the DOJ Guidance, sought documents and records across thirteen categories reflecting RISP's current or most recent practices and status with regards to LEP persons.

RISP's document production of September 21, 2009² raises serious concerns as to the agency's compliance with its obligations under Title VI. Despite describing the breadth of the

¹ Letter from S. Brown, Executive Director, RI/ACLU to Col. Brendan Doherty, Superintendent, RISP, dated Aug. 11, 2009 (Appendix A).

² Letter from L. Holley, Legal Counsel, RISP, to S. Brown, Executive Director, RI/ACLU, dated Sept. 21, 2009 (Appendix B).

document request as “voluminous and onerous,”³ RISP was able to produce only 33 responsive documents.⁴ Further, nearly a third of these documents took the form of translated materials that had been created by other federal and state agencies with respect to their own services or programs.⁵

RISP indicated that documents *did not even exist* for six of the thirteen categories, including any documents or records reflecting: (1) RISP’s assessment of the language needs of LEP populations it serves; (2) RISP’s procedures for assessing or reviewing competency of interpreters, translators, or bilingual members of police staff serving as translators or interpreters; (3) outreach by RISP to LEP populations for the purpose of assessing language assistance needs; (4) any communication within the last two years with the U.S. DOJ regarding the provision of language access to LEP populations; (5) any communication within the last two years with other Rhode Island state agencies regarding the provision of language access to LEP populations; and (6) RISP’s expenditures over the previous year for the purpose of providing language access to LEP individuals.⁶

The virtually nonexistent record of language service policies and programs suggests that RISP is not upholding its duties under Title VI. At a minimum, the document production establishes that: (1) RISP is not carrying out the requisite analyses of its LEP population; and (2) RISP does not provide language services commensurate with the size of its force, scope of its duties and the needs of Rhode Island’s considerable LEP population.

DOJ Standards

DOJ regulations, 28 CFR §42.104(b)(2), require all recipients of DOJ financial assistance to provide LEP persons with meaningful access to their programs and activities. The DOJ Guidance directs recipients to apply a four-factor analysis “to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.” 67 FR 41459. This analysis should guide the recipient to implement a “mix” of LEP services based on what is reasonable and necessary. 67 FR 41460. Regardless of the type of language services implemented, quality and accuracy of those services are critical in order to avoid serious consequences to both LEP persons and the recipient. 67 FR 41461.

RISP’s response to RI/ACLU’s document request confirms that RISP is not upholding its commitment to ensure meaningful access to RISP programs and activities for LEP persons, but has instead adopted an ad hoc approach to providing language access. First, there is no evidence that RISP actually applies the DOJ Guidance’s four-factor analysis. Indeed, RISP does not appear to have conducted any formal assessment of its LEP population

³ Letter from L. Holley, Legal Counsel, RISP, to S. Brown, Executive Director, RI/ACLU, dated Aug. 17, 2009 (Appendix C) (disagreeing that the request was “narrow in scope,” indicating that it sought “various policies, internal and external communications, reports of expenditures, training information, community outreach documentation, as well as other documentation related to any interaction that our agency has with limited English proficient individuals”).

⁴ See fn. 2, *supra*. Not counted as separate documents are various photographs provided by RISP, cited in fn. 5, *infra*.

⁵ Ten documents were Spanish language brochures or pamphlets created by other agencies such as the DOJ or Rhode Island Attorney General’s Office or photographs of these brochures and pamphlets as displayed by RISP in its barracks.

⁶ See fn. 2, *supra*.

or its access to RISP's programs and activities, nor does it have any policies in place requiring it to do so.

Moreover, the language services that RISP seems to provide are inadequate and of questionable quality. There are also significant gaps and inconsistencies from a policy standpoint. Interestingly, RISP's central policy for ensuring meaningful access to LEP individuals facing language barriers (General Order 55D: "Managing Communication Barriers" [Order 55D]),⁷ appears to have only been created on September 17, 2009 – just two days prior to RISP's communication of its document production to RI/ACLU.⁸

I. RISP is Not Implementing the Four-Factor Analysis Outlined in the DOJ Guidance

The DOJ Guidance sets out a four-factor analysis to assist agencies in determining whether they have taken reasonable steps to provide meaningful access to their programs and activities. The four factors to be balanced are: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity or service provided by the program to people's lives; and (4) the resources available to the recipient and costs. 67 FR 41459.

RISP's document production illustrates that the agency cannot be strenuously assessing whether it has taken adequate steps to provide meaningful access based on the needs of its LEP population. Contrary to the proactive approach advocated by the DOJ Guidance, RISP has assumed a makeshift response to assessment of language access. Yet even roughly applying the four-factor analysis based on high-level data alone indicates that RISP should be taking its responsibility to the sizeable LEP population it serves very seriously.

(1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The DOJ Guidance directs that "[r]ecipients should first examine their prior experience with LEP encounters and determine the breadth and scope of the language services that were needed." 67 FR 41460. Other data to be consulted in order to refine the evaluation include census data for the area served, data from school systems and community organizations, and data from state and local governments. 67 FR 41460.

RISP was unable to produce a single document demonstrating that it measures the size of the LEP population it serves. RISP informed that "documents do not exist that are directly responsive"⁹ to RI/ACLU's request for "any documents or records documenting, reflecting, or relating to RISP's assessment of the language access needs of the limited English proficient populations served by RISP."¹⁰ While RISP explained that it relies upon "census

⁷ RISP, General Order 55D, "Managing Communications Barriers," dated Sept. 17, 2009 (Appendix D).

⁸ Any other policy produced by RISP as relevant to language access and referencing Order 55D was revised as of September 17, 2009.

⁹ See fn. 2, *supra*.

¹⁰ See fn. 1, *supra*.

demographics and LEP assessments”¹¹ to gauge the language needs of LEP individuals, there is no document whatsoever corroborating that any such evaluation has ever been carried out.

Nor did RISP produce any records of its prior experience with LEP populations or evidence that it had consulted additional sources of data, such as community agencies, schools, or local or state governments. Indeed, RISP reported that documents reflecting outreach to LEP populations for the purpose of assessment did not exist; nor did written communications with the DOJ or other Rhode Island agencies regarding LEP populations.¹² In the absence of any documentation at all, it is questionable that RISP has undertaken any serious evaluation of the LEP population in its eligible service population.

Nevertheless, even a cursory review of census data confirms that a substantial number of LEP persons fall within RISP’s eligible service population. As of 2000, 20% of Rhode Island’s population speaks a language other than English in the home, while 8.4% of the state’s population speaks English less than very well.¹³ Rhode Island’s Hispanic population doubled in size between 1990 and 2000 to 8.7%, the 12th highest percentage in the nation.¹⁴ The Asian population was 17th highest in the country in 2000 at 2.7% of the population, an increase of more than 60% from 1990.¹⁵

(2) *The Frequency with which LEP Individuals Come in Contact with the Program*

Recipients of DOJ funding are instructed to “assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual.” 67 FR 41460. RISP could not produce any evidence that it measures its frequency of contact with LEP persons, reporting that such documentation does not exist.¹⁶ However, RISP explained that “[it] *is able* to use a word query of [its] Records Management System” (emphasis added) to evaluate the frequency of contact; RISP suggested that “[e]xamples of key word searches *would be* ‘interpret, interpreter, Spanish, French, Creole, etc.’”¹⁷ (emphasis added) Thus, although reporting the capacity to search within its records system, RISP did not attest to actually running the proposed searches, or doing so with any regularity.

Nevertheless, even if such a word query were executed, an accurate picture of the frequency of RISP’s interactions with LEP persons would not be guaranteed. Without any apparent policy directing members to report their contacts with LEP individuals, it is unclear that RISP’s record system even would fully capture the scope of such interactions. In addition, without a uniform protocol for data input, random word queries would not likely locate all interactions with LEP individuals.

The lack of documentation again suggests that RISP is not conducting any meaningful assessment of the frequency with which it is coming into contact with LEP individuals. Of

¹¹ See fn. 2, *supra*.

¹² See fn. 2, *supra*, at 11, 12 and 13.

¹³ America Speaks: A Demographic Profile of Foreign-Language Speakers for the United States: 2000, U.S. Census Bureau, Table 41a. Available at <<http://www.census.gov/population/www/socdemo/hh-fam/AmSpks.html>>.

¹⁴ The Hispanic Population: Census 2000 Brief, U.S. Dept. of Commerce, May 2001, Table 2. Available at <<http://www.census.gov/prod/2001pubs/c2kbr01-3.pdf>>.

¹⁵ The Asian Population: Census 2000 Brief, U.S. Dept. of Commerce, Feb. 2002, Table 2. Available at <<http://www.census.gov/prod/2002pubs/c2kbr01-16.pdf>>.

¹⁶ See fn. 2, *supra*, at 1.

¹⁷ See fn. 2, *supra*, at 1(b).

course, it is well known, considering the size of Rhode Island's LEP population and RISP activities, the agency engages with these individuals on a regular basis.

(3) *The Nature and Importance of the Program, Activity, or Service Provided by the Program*

The more important the activity, information, service or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. 67 FR 41460. A heightened obligation to provide language services applies in instances where denial or delay of access to services or information would lead to serious implications for an LEP individual, such as when communicating rights to a person who is arrested. 67 FR 41460. Traditional law enforcement "rank[s] high on the critical/non-critical continuum," and in particular with respect to a number of important activities including: 911 calls, custodial interrogation, health and safety issues for persons within the control of the police, systems for receiving and investigating complaints from the public, routine patrol activities, receiving non-emergency information regarding potential crimes, and ticketing. 67 FR 41467-69.

Order 55D, RISP's principal policy addressing communication barriers, makes no distinction between critical and non-critical services or scenarios with respect to providing language services.¹⁸ It is only RISP's policy relating to the detention of juveniles that acknowledges a heightened responsibility for an interpreter to read Miranda rights "if a language barrier exists and to ensure the constitutional rights of the juvenile are protected."¹⁹ While such an obligation would seem to apply to all arrests in which a language barrier is present and not just for LEP juveniles, RISP has not otherwise made this explicit.

RISP regularly engages in activities deemed critical by the DOJ Guidance. As a full service law enforcement agency, RISP is tasked with enforcing all motor vehicle and criminal statutes of Rhode Island and assisting local and federal law enforcement agencies.²⁰ Apart from standard law enforcement activities, RISP also enforces federal immigration laws by investigating and determining the status of all non-citizens taken into custody or under investigation for any crime.²¹

Given the serious ramifications extending to LEP individuals from a number of potential interactions with RISP, it would seem reasonable that RISP clearly and consistently instruct its members as to when the heightened responsibility to ensure meaningful access applies.

¹⁸ See fn. 7, *supra*. (But see RISP's policy relating to sign language interpreter services for a sharp contrast to Order 55D by clearly enumerating when such services must be provided, such as during the presentation of Miranda warnings, questioning and interrogation, and the taking of any statement. (RISP, General Order 55C, "Sign Language Interpreter Referral Service and Auxiliary," revised Apr. 16, 2009, at IV, A (Appendix E). Order 55C, in further contrast to Order 55D, also specifies other situations in which "the length, importance or complexity of the communication indicates that an interpreter may be necessary.")

¹⁹ RISP, General Order 52E, "Juvenile Detention, Procedure and Referral," revised May 15, 2009, at III, 4, a (Appendix F). It should be noted this policy does not otherwise mention providing language services for LEP juveniles, such as during interrogation or when statements are taken. Nor does it refer to Order 55D.

²⁰ Message of B. Doherty, RISP Colonel. Available at <<http://www.risp.ri.gov/message/>>.

²¹ RISP, General Order 56A10, "Illegal Immigration Procedures & Consular Notification," revised Sept. 17, 2009 (Appendix G).

(4) *The Resources Available to the Recipient and Costs*

The level of resources available and the costs associated with language services may have an impact on the nature of steps a recipient will take in providing those services. 67 FR 41460. RISP did not produce any documents demonstrating that it has undertaken any analysis as to which language services would be most effective given the resources available. It is not clear that RISP is even tracking its current expenditures for language services; in response to the request for any documents in the previous year “reflecting RISP expenditures for the purpose of providing language access to LEP individuals,” RISP informed that such documents do not exist.²²

In any event, RISP is Rhode Island’s full service law enforcement agency with 226 sworn members and 52 civilian staff members.²³ Given its size, it would seem unlikely that RISP could argue that language services are cost prohibitive.

II. RISP Does Not Provide LEP Individuals with Meaningful Access to its Services

RISP falls short of its Title VI duties to offer language services commensurate with the needs of its LEP population and the critical nature of RISP’s programs and activities. As described below, the oral interpretation and translation services actually offered by RISP are inadequate and of questionable quality. The failure to provide competent language services is particularly egregious given the potentially serious ramifications for LEP individuals coming into contact with RISP as a law enforcement agency that has undertaken to enforce immigration laws.

(1) *Oral Language Services*

The DOJ Guidance establishes that enhanced interpretation services are more likely when there is frequent contact with a particular LEP group, or when critical services are being provided to a high volume of LEP individuals. 67 FR 41460. In such instances, agencies are encouraged to hire staff interpreters as a reasonable and necessary means for ensuring accurate and meaningful communication for LEP persons. 67 FR 41462. Utilizing bilingual staff may also present a plausible option so long as effective management strategies are in place to ensure their full and appropriate employment. 67 FR 41461.

On the other hand, when contact with a particular LEP population is infrequent or unpredictable, or when the programs and activities are less critical, contract interpreters and commercially-available telephonic interpretation services may suffice. *See* 67 FR 41460, 62. The DOJ Guidance points out, however, that because nuances in language and non-verbal communication that inform interpretation are not available over the phone, telephonic language services should be used with caution. 67 FR 41462.

Given the reality that it regularly engages with Rhode Island’s Spanish-speaking LEP population with respect to critical programs and activities, RISP should be offering enhanced interpretation services in this language at the very least. Nonetheless, there is no evidence among the documents produced that RISP employs any staff interpreters, Spanish or

²² *See* fn. 2, *supra*, at 10.

²³ *See* fn. 20, *supra*.

otherwise. And while Order 55D encourages members “to request the assistance of a bilingual member, when available,”²⁴ it is not apparent that RISP even employs an adequate number of members with a sufficient level of Spanish to act as interpreters in this capacity.²⁵

Moreover, RISP does not have a protocol establishing appropriate use of its bilingual members as interpreters.²⁶ Order 55D is silent, for example, as to what languages RISP members speak, and how a bilingual member might be identified and/or contacted when the need for interpretation arises. Indeed, with respect to providing oral language services, Order 55D focuses principally on the steps for accessing a 24-hour telephonic language line.²⁷ Most significantly, however, Order 55D fails to highlight which interactions with LEP persons necessitate the use of bilingual members rather than telephonic interpreters, such as at the time of arrest or when interrogating a suspect. The policy thus overlooks the need to distinguish critical from non-critical scenarios and the corresponding level of language services required to ensure meaningful access to services.

In any regard, because it was unable to produce any record of its use of interpretation services, it is not clear which services, if any, RISP actually utilizes.²⁸ The absence of record is unsurprising given that RISP does not appear to have any formal reporting procedure in place for tracking the type of language service provided, frequency of use or circumstances surrounding such use. In addition, as mentioned previously, documents related to interpretation service expenditures over the year prior to the document request do not exist.²⁹

(2) *Translation Services*

Per the DOJ Guidance, vital written materials should be translated for frequently-encountered LEP groups likely to be affected by a recipient’s program or in the eligible service population. 67 FR 41463. Whether a document is “vital” may depend on the importance of the program, information or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. 67 FR 41463. The DOJ Guidance encourages the creation of a plan for determining, over time and across an agency’s various activities, what documents are “vital” to the LEP populations served. 67 FR 41463.

Considering the breadth of RISP’s services and programs, RISP would be expected to have created an extensive body of translated materials to ensure meaningful access for LEP persons. Yet, in response to a request for any and all translated materials, RISP produced only six forms in Spanish related to its activities. It also produced several Spanish language documents created by other federal and local agencies pertaining to their programs and

²⁴ See fn. 7, *supra*, at IV A.

²⁵ RISP did produce a document entitled “Language Spoken/Rhode Island State Police” indicating that 34 members speak Spanish, yet their level of proficiency is unclear on the face of the document. (“Language Spoken, Rhode Island State Police,” undated (Appendix H)).

²⁶ See fn. 7, *supra*.

²⁷ *Id.*

²⁸ RISP also produced a memo indicating that 100 hours of Spanish interpretation services had been offered by a Rhode Island non-profit organization for victims of domestic abuse as of December 31, 1999. (RISP, Memo to Patrols, “Spanish Interpreting for Victims of Domestic Abuse,” dated Dec. 31, 1999 (Appendix I).) However, Order 55D makes no mention of these services, and it is unclear as to whether they continue to be available.

²⁹ See fn. 2, *supra*, at 10.

services,³⁰ as well as a flier created by the telephonic language line service informing LEP individuals of their right to free language services.

While the few translated documents that RISP produced would be considered vital (including consent to search, civilian complaint, and statement of rights forms), it is not clear that these translations are regularly used by, or even made available to, RISP members. Although Order 55D states that “[a]ll translated vital documents will be available to all Division members,” there is no indication as to where the translations are located or how they may be accessed. RISP does not even maintain, let alone publish, a comprehensive listing of the translated documents.

Moreover, RISP does not appear to employ a rigorous method for ensuring that the universe of vital documents is translated or that documents are being translated into all necessary languages. In response to the request for documentation reflecting an assessment of which RISP documents should be translated and the languages into which they should be translated, RISP reported that “[a]nnually, Division members are emailed to determine what documents, if any, need to be translated.”³¹ RISP could not produce a record of this email or any response that it generated.

(3) *Quality of Language Services*

Regardless of the language services implemented, the DOJ Guidance instructs that monitoring the quality of the services is essential. 67 FR 41461. Oral interpreters should be assessed for their competency, which requires more than self-identification as bilingual. 67 FR 41461. Where consequences for LEP individuals are serious, such as in custodial interrogations, interpreters must be highly competent and extremely accurate in their interpretation. 67 FR 41468. Likewise, quality and accuracy of translation services are critical; the permanent nature of written translations imposes additional responsibility to ensure that the quality and accuracy permit meaningful access by LEP persons. 67 FR 41464.

Significantly, RISP informed that documents did not exist in response to the request for “documents or records reflecting RISP procedures for assessing or reviewing competency of interpreters, translators, or bilingual members of police staff serving as interpreters or translators.”³²

With respect to its in-house interpretation capacity, RISP provided a list of members with language skills, but did not otherwise indicate the individuals’ level of language ability or how the agency goes about assessing it. However, if RISP’s translated materials are any indication of the agency’s Spanish language capability, it would seem problematic. Errors appear in four of the six translated forms RISP produced.³³ Two of these six documents contained extensive inaccuracies.³⁴

³⁰ For example, RISP produced translations of the DOJ’s 2005 Amber Alert brochure, a 2007 pocket guide for the elderly published by the Rhode Island Department for Elderly Affairs, and a 2002 Rhode Island Child Restraint and Seat Belt Laws flier.

³¹ See fn. 2, *supra*, at 1(d).

³² See fn. 2, *supra*, at 8.

³³ See Barracks cell block signs for medical assistance; Rights form (revised May 2009); Consent to search form; Online directions for filing complaint (Appendix J). A listing of some of the errors is attached to this letter.

³⁴ See Rights form (revised May 2009); Online directions for filing complaint (Appendix J).

In addition, the ongoing training opportunities for RISP members with language skills appear limited. While Order 55D suggests that bilingual members “should attempt to participate in all offered refresher training provided through the Division,”³⁵ the only record of foreign language training that RISP could produce pertains to rudimentary Spanish language training for its new recruits.³⁶

Conclusion

As a law enforcement agency providing critical services to the substantial LEP population of Rhode Island, as well as routinely having direct and adversarial contact with LEP individuals, RISP is not fulfilling its duties under Title VI to reduce language barriers. Not only does RISP fail to assess the needs of the LEP persons it serves and has contact with, but the interpretation and translation services it offers do not sufficiently mitigate the risk that the LEP population served by RISP is effectively barred from accessing important benefits and services, and understanding and exercising important rights.

The agency’s lackadaisical approach to compliance with the DOJ standards is all the more troubling since RISP has aggressively sought to expand its law enforcement responsibilities in ways designed to inevitably *increase* its encounters with LEP individuals. Last year, for example, pursuant to a Gubernatorial executive order, RISP successfully applied to U.S. Immigration and Customs Enforcement [ICE] to enter into a so-called “287(g) agreement,” giving trained RISP officers the power to assist with the enforcement of federal immigration law.³⁷

In addition, while consistently denying their validity, RISP has been aware for years of complaints from advocates in the immigrant community about racial profiling by the agency, and particularly the disparate impact of its practices on members of the Latino community.³⁸ Indeed, as far back as 1990, shortly after RISP first instituted a drug interdiction program on the state’s highways, a newspaper analysis showed that of the first 28 arrests made by RISP under the program, 22 of the arrestees – over 78% – were Hispanic.³⁹

A similar disparity in RISP traffic enforcement has been well-documented in the more recent past. As the result of a state law enacted in 2000, and reenacted in 2004, all police departments in the state, including RISP, were required to engage in traffic stop enforcement data collection for a total of three years.⁴⁰ The legislation also established a process for the data to be analyzed by an independent agency. The thoroughly documented results from Northeastern University showed that RISP officers were not only more likely to stop non-white drivers, including Hispanics, for traffic violations, but were also almost twice as likely to search them once stopped – even though white drivers who were searched were more

³⁵ See fn. 7, *supra*, at V.

³⁶ See e.g., RISP Training Academy 2009 Instructor Schedule and RISP (Appendix K).

³⁷ See, e.g., Karen Lee Ziner, “4 Rhode Island Troopers to Receive ICE Training,” *Providence Journal*, November 20, 2009.

³⁸ See, e.g., Karen Lee Ziner, “Advocacy Groups Protest State Police Traffic Stop of Guatemalans,” *Providence Journal*, September 29, 2006.

³⁹ Dan Barry, “Hispanic Arrests Irk ACLU,” *Providence Journal*, May 12, 1990.

⁴⁰ Bruce Landis, “Almond Signs Bill to Ban Racial Profiling,” *Providence Journal*, July 26, 2000.

likely to be found with contraband.⁴¹ An independent analysis of 2006 data continued to find “substantial evidence of racial and ethnic disparity in discretionary searches by the Rhode Island State Police.”⁴²

In light of these statistics, coupled with RISP’s enthusiasm for assisting in the enforcement of federal immigration law, the agency’s apparent failure to take seriously its obligations under Title VI is especially problematic.

We urge the Civil Rights Division to investigate this matter and take action to ensure that RISP complies with its obligations under Title VI and the DOJ Guidance such that LEP persons in Rhode Island will have access to appropriate and adequate language services as regards RISP’s programs and activities.

Thank you in advance for your attention to this matter. We would appreciate being kept apprised of any actions taken by your Division in this regard.

Sincerely,

Steven Brown
Executive Director

Jennifer Doucleff
Cooperating Attorney

Enclosures

cc: The Hon. Lincoln Chafee, Governor-Elect
Col. Brendan Doherty, R.I. State Police

⁴¹ Northeastern University’s executive summary of the report can be accessed on-line at http://www.racialprofilinganalysis.neu.edu/IRJ_docs/RIFinalReportExecSummary.pdf. See also Bruce Landis, “Profiling Study Confirms Drivers Treated Differently,” *Providence Journal*, July 1, 2003.

⁴² Leo Carroll, Ph.D. and M. Liliana Gonzales, Ph.D., “Racial and Ethnic Disparity in Traffic Stops, Discretionary Searches and Outcomes in 2006: Prepared for the Rhode Island State Police,” June 2007.

Examples of Errors in RISP Translations

(errors appear in **bold**)

1) Barracks cell block signs advising detainees to alert a trooper of any medical problem

- “...tiene **alguna problems medico.**”

2) Consent to search form

- “...en caso de **enontar culquier** evidencia...”

3) Statement of rights (including right to remain silent, right to attorney, right to refuse drug testing) (revised 05/09)

- “**Las derechas** para el uso en la estación” (Title of document)
- “**Usted tiene la derecha de seguir siendo silencioso.**” You have the right [as opposed to left] to continue being silent. [“La derecha” meaning “right” as opposed to left, is used throughout the document when referring to “right” in the legal sense.]
- “Si usted contesta **a preguntas o a declaraciones de la elasticidad**, pueden y serán utilizadas en evidencia contra usted ante el tribunal. Usted tiene **la derecha** a un abogado. Si usted no puede permitirse a un abogado, **proporcionarán uno para usted**. Un teléfono esta disponible para usted **para entrar en contacto con a un abogado.**”
- “Usted no tiene que **someter** a una prueba química conforme a mi petición. Si **usted rechaza, no se dará ningunos**. Sin embargo, un informe **entonces** será enviado a un magistrado del **tribunal del tráfico** de Rhode Island, o a un juez de **la corte de distrito.**”
- “**Sobre recibo y la revisión de un magistrado o de un juez, su licencia o el privilegio de conductor de Rhode Island de funcionar un vehículo de motor en Rhode Island para no los concesionarios de Rhode Island, será suspendida inmediatamente. Después de oír, las sanciones obligatorias siguientes serán impuestas si se sostiene la carga.**” Upon receipt and review of a magistrate or judge, your Rhode Island license or driving privilege of operating a motor vehicle in Rhode Island for non-dealers of Rhode Island, will be immediately [incorrect gender concordance] suspended. After hearing, the following obligatory sanctions will be applied if the load is upheld:...

4) Description of the Unit of Professional Standards and civilian complaint process

- “Procedimiento para archivar queja o **el elogio**. Usted puede **archivar su complaints/praise** por el teléfono en (401)444-1004, **en escribir vía correo** a la dirección antedicha, o **vía el facsímil** (401)444-1074. Se puede mandar una queja

por escrita completando la Hoja de Queja de Ciudadano (use el clic en mismo). Si usted desea remitir su **complaint/compliment en la escritura**, incluya por favor el siguiente: Su nombre, dirección, número de teléfono ; el tema de su **complaint/praise** con su nombre, fila, número de la divisa (si está sabido) ; **la localización**, la fecha, y la hora del incidente alegado ; la naturaleza de su **complaint/praise** con toda la información pertinente ; junto con los nombres, las direcciones, y los números de teléfono de **cualquieres testigos** a su incidente.”

- “Descripción del proceso investigador. **Las investigaciones cuidadosas y objetivas seguirán siempre las quejas** que se hacen contra empleados del policía del estado.”
- Dependiendo de la naturaleza de las alegaciones, una investigación incluiría entrevistas de y/o **memorialized generalmente cuentas por los complainants**, testigos, y nuestros empleados, junto con la colección y **análisis de documentales, físicos relevantes**, y otras formas de evidencia. Depending on the nature of the allegations, an investigation would include interviews of and/or generally “memorialized” [not translated in original] accounts by the “complainants” [not translated in original], witnesses, and our employees, together with the collection and analysis of documentaries, relevant physicals, and other forms of evidence.
- Todas las investigaciones serán conducidas de acuerdo con la política de la división, acuerdos que estipulan colectivos aplicables, y las provisiones de **la cuenta de ley de los oficiales de la aplicación de las derechas bajo ley del estado.**”