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AUGUST 23, 2018

TO THE MAYOR, MEMBERS OF THE CITY COUNCIL, CITY CLERK, CITY TREASURER, AND RESIDENTS OF THE CITY OF CHICAGO:

The City of Chicago Office of Inspector General (OIG) has completed a follow-up to its September 2017 audit of the City's compliance with the Language Access Ordinance (LAO), Municipal Code of Chicago (MCC) Chapter 2-40, "Citywide Language Access to Ensure the Effective Delivery of City Services," Based on the Department's responses, OIG concludes that the City has partially implemented corrective actions related to the audit findings.

The purpose of the September 2017 audit was to determine if the City was in compliance with the language access requirements of MCC Chapter 2-40. Our audit found that the City is not in compliance with those requirements. Specifically, the Mayor's Office of New Americans (ONA) focused its compliance efforts on the seven City departments it deemed fully subject to LAO,[1] and did not ensure that other departments complied with the Ordinance's mandate to implement those requirements "to the degree practicable." Moreover, none of the seven prioritized departments were in full compliance with the LAO requirements. While all seven designated a Language Access Coordinator, one had not submitted the required language access and compliance plans, and none had implemented procedures to solicit community comment. None of the submitted language access plans were developed with the department-specific four-factor analyses required by LAO, and one plan did not include all six of the required elements.

Based upon the results of the audit, OIG recommended that the Mayor's Office:

1. clarify which LAO requirements apply to each of the various City departments;

2. endow ONA or another entity with the power and duty to enforce compliance with the language access requirements in the manner that other cities have done,

' The seven departments, commissions, or programs are 311 Services, Department of Business Affairs and Consumer Protection, Chicago Commission on Human Relations, Chicago Department of Public Health, Chicago Public Library, Department of Family & Support Services, and Mayor's Office for People with Disabilities

3. inform all departments of their responsibilities under LAO, as well as the resources available to them, such as document translation and interpretation services available through the City's contract with Language Line, LLC;
4. share ONA's templates and other guidance documents with all City departments;
5. ensure that departments conduct the required four-factor analysis in developing their language access plans;
6. evaluate departmental performance and identify opportunities for improved language access;
7. promote accountability and transparency by publicly reporting on departments' language access services, in the manner that other cities have done.[2]

In its response to the audit, ONA described corrective actions it would take in response to some of the audit recommendations, while declining to commit to corrective action on others.

In May 2018, OIG inquired about corrective actions taken by ONA in response to the audit.

Based on ONA's follow-up response, OIG concludes that ONA has only partially implemented the corrective actions to which it committed in its response to the original audit. Specifically, ONA has identified two more departments-the Chicago Department of Transportation and the Chicago Department of Aviation-it deems subject to LAO, has begun meeting with those departments on a quarterly basis to discuss language access compliance, has provided templates and guidance on language access planning, and has begun identifying areas for improvement of language services.

We urge the City to continue implementation of language access improvements, including ensuring receipt of all required departmental language access plans, continuing evaluations of those departments it has identified as subject to.full LAO compliance, expanding its evaluations to include departments obligated to "extent practicable" LAO compliance (most notably the Chicago Police Department), sharing resources with all City departments, and promoting accountability and transparency through public reporting. Such actions will improve implementation and compliance but are unlikely to produce robust City-wide LAO compliance until the mayor and City Council address the fact that the Ordinance gives ONA an enterprise-wide responsibility without the commensurate enterprise-wide authority needed to meet

- See Background section II D in the audit for examples

the legislative objectives and requirements. Below, we summarize the audit finding and recommendations, as well as ONA's response to our follow-up inquiry.

We thank the staff and leadership of ONA for their cooperation during the audit and their responsiveness to our follow-up inquiries.

Respectfully,

Joseph M Ferguson Inspector General City of Chicago

AUGUST 23, 2018

FOLLOW-UP RESULTS

In May 2018, OIG followed up on a September 2017 audit of the City's compliance with the Language Access Ordinance.[3]

ONA responded by describing the corrective actions it has taken since receiving the audit and by providing supporting documentation. Below, we summarize OIG's audit finding, its associated recommendations, and the status of corrective actions. Our follow-up inquiry did not observe or test implementation of the new procedures: thus, we make no determination as to their effectiveness, which would require a new audit with full testing.

OIG uses four categories to describe the Status of Corrective Action:

- IMPLEMENTED - The department has implemented actions that may reasonably be expected to resolve the core findings/concerns noted in the audit.
- PARTIALLY IMPLEMENTED - The department has implemented actions in response to the audit, but the actions do not fully address the findings/concerns raised in the audit.
- PENDING IMPLEMENTATION - The department has initiated action plans that, if fully implemented, may reasonably be expected to resolve the core findings of the audit. However, the department has not completed implementation.
- NOT IMPLEMENTED - The department has not initiated or implemented any actions responsive to OIG's findings.

-'■ The 2017 audit report is available on the OIG website <https://iKchicago.org/20>17/09/20/lantiuage-acccss-oidinancc-compliancc-uudit/

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LANGUAGE ACCESS ORDINANCE COMPLIANCE AUDIT FOI LOW-UP INQUIRY

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The City is not in compliance with the requirements of the Language Access Ordinance.

OIG RECOMMENDATION #1

Clarify which requirements in the Ordinance apply to each of the various City

departments/'

STATUS OF CORRECTIVE ACTION: PARTIALLY IMPLEMENTED

In its response to the original audit, ONA agreed to identify a "Tier 2" group of departments by the end of 2017 after-reengaging with the Language Access Advisory Committee (LAAC) It also agreed to work with Tier 2 departments to develop language access implementation plans "based on relevant data and services offered," and stated that the Chicago Department of Aviation (CDA) and Department of Transportation (CDOT) would be integrated into a language access compliance path before the end of 2017. In its response to OIG's follow-up inquiry, ONA identified only CDA and CDOT as Tier 2 departments.-' ONA received a four-factor analysis from CDA in June 2018 and met with CDOT in July 2018 to begin work on a Language Access Plan. In addition, ONA reported it had reconvened the LAAC three times since January 2018

OIG RECOMMENDATION #2

Endow ONA or another entity with the power and duty to enforce compliance with the language access requirements in the manner that other cities have done.

Departments that provide "direct public services" are subject to all LAO requirements The Ordinance further states, "[t]hose departments that provide services to the public that are not programmatic in nature, such as emergency services, shall implement [LAO] to the degree practicable " However, LAO defines neither "services to the public that are not programmatic in nature," nor "to the degree practicable" ONA has continued to leave these terms undefined. Moreover, ONA has yet to undertake a programmatic effort, to assess and seek compliance from departments subject to the practicability requirement, foremost among which is the Chicago Police Department

[?] The two newly-identified Tier 2 departments are in addition to the seven departments, programs, or commissions ONA originally identified as subject to full compliance with LAO requirements 311 Services, Department of Business Affairs and Consumer Protection, Chicago Commission on Human Relations, Chicago Department of Public Health, Chicago Public Library, Department of Family & Support Services, and Mayor's Office for People with Disabilities

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LANGUAGE ACCESS ORDINANCE COMPLIANCE AUDIT FOLLOW-UP INQUIRY

STATUS OF CORRECTIVE ACTION: PARTIALLY IMPLEMENTED

In its response to the original audit, ONA disagreed, stating that "it is the responsibility of the subject department(s) to comply [with] and enforce the requirements of the Ordinance." However, ONA agreed to coordinate language access efforts across departments by meeting with Language Access Coordinators (LAC) on a quarterly basis, beginning in September 2017, to "evaluate compliance, discuss opportunities, identify priorities, and assist in compliance with the ordinance." Finally, ONA stated that

the Chicago Public Library (CPL) would provide an updated language access policy and implementation plan by October 12, 2017. In its response to OIG's follow-up inquiry, ONA stated that the Mayor's Office "continues to work closely with [LACs] to elevate and clearly outline the departmental requirements" and "will carry out all processes in order to support and facilitate full compliance by the subject departments." ONA held its first and second quarterly meetings with LACs in January and June of 2018. ONA has still not received a language access plan from CPL, though it asserted certain elements were included in the department's May 2018 summary of contacts with LEP persons. ONA reported that CPL will soon have a new LAC who will be responsible for developing the department's language access plan.

OIG RECOMIMENDATION #3

Inform all departments of their responsibilities under the Ordinance, as well as the resources available to them, such as document translation and interpretation services available through the City's contract with Language Line, Inc.

STATUS OF CORRECTIVE ACTION: PARTIALLY IMPLEMENTED

In its response to the original audit, ONA stated it would use quarterly meetings with Tier 1 departments "to build upon the assistance given to date, and to reinforce responsibilities under [LAO]." It agreed to provide Tier 2 departments with the same resources and guidance

provided to Tier 1 departments "to the degree necessary .. to meet the goals of the LAO," and to start collecting monthly reports from Language Line, Inc. to better understand the City's demand for language translation and interpretation." ONA held its first quarterly meeting with Tier 1 and 2 departments in January 2018, and a second in June 2018. ONA also provided OIG with a Language Line Usage Report containing data from January 1 to June 30, 2018, and committed to obtaining monthly reports thereafter.

OIG RECOMMENDATION #4

Share ONA's templates and other guidance documents with all City departments.

STATUS OF CORRECTIVE ACTION: PARTIALLY IMPLEMENTED

In its response to the original audit, ONA agreed to share templates and other guidance documents with Tier 2 departments, "to the extent helpful... to meet the goals of the [Ordinance]." In response to OIG's follow-up inquiry, ONA provided copies of language access plan and four-factor analysis templates it had shared with LACs at all Tier 1 and 2 departments during their quarterly meetings.

OIG RECOMMENDATION f/5

Ensure that departments conduct the required four-factor analysis in developing their language access plans.

STATUS OF CORRECTIVE ACTION' PENDING IMPLEMENTATION

In its response to the original audit, ONA stated that LACs would conduct the required four-factor analysis, and that ONA would be available to assist and guide departments. ONA also agreed to review these analyses at quarterly meetings to ensure departments are meeting requirements In its response to OIG's follow-up inquiry, ONA stated that, "Only CDA has submitted a formal, written four-factor analysis to ONA," and that ONA has "no information that would indicate [other] departments have

considered the first factor." However, ONA stated that "the Language Access Policy Implementation Plans and Annual Compliance Reports provided by each of the other departments reflect a clear consideration of the factors outlined in the four-factor analysis framework." ONA committed to collect a written four-factor analysis from all Tier 1 and Tier 2 departments before the end of 2018.

OIG RECOMMENDATION #6

Evaluate departmental performance and identify opportunities for improved language access.

STATUS OF CORRECTIVE ACTION: PARTIALLY IMPLEMENTED

In its response to the original audit, ONA agreed to use its quarterly meetings to evaluate performance, and to require City departments to "report out on a checklist of expectations and provide progress reports." In its response to OIG's follow-up inquiry, ONA stated that it conducted evaluations during its January and June 2018 quarterly meetings, and provided OIG with a list of areas for improvement identified during those meetings. ONA reported that checklists were distributed at its June 2018 meeting, and that LACs have begun providing information about interactions with LEP persons.

OIG RECOMMENDATION #7

Promote accountability and transparency by publicly reporting on departments' language access services in the manner that other cities have done.

STATUS OF CORRECTIVE ACTION: PARTIALLY IMPLEMENTED

In its response to the original audit, ONA committed to publicly report on departments' language access services through its monthly e-newsletter and on the City of Chicago website ONA also agreed to look into language access best practices in other cities, and incorporate these practices into its website reporting. Finally, ONA committed to formalize procedures for receiving

community comments. In response to OIG's follow-up inquiry, ONA stated it has not begun reporting through its website and e-newsletter, but would do so by the fourth quarter of 2018. ONA also considered three cities when determining language access best practices, but had not incorporated those practices into its reporting. Regarding community comments, ONA reported that departmental LACs "are [now] able to communicate directly with community stakeholders ... and community stakeholders have contact information for all members of the LA[A]C so they can communicate their concerns directly to departments. Similarly, members of the LAAC can communicate concerns and public comments directly to the Departmental [LAC]." ONA also reported that it is "currently working with 311 and OEMC to determine a process for the general public to call 311 to offer feedback, commentary, suggestions or questions on the City's language access efforts," to be established before September 11, 2018.

Mission

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

- administrative and criminal investigations by its Investigations Section;
- performance audits of City programs and operations by its Audit and Program Review Section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and employment activities by its Hiring Oversight Unit.

From these activities, OIG issues reports of findings and disciplinary and other recommendations to assure that City officials, employees, and vendors are held accountable for violations of laws and policies; to improve the efficiency, cost-effectiveness government operations and further to prevent, detect, identify, expose and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

Authority

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and 240.

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