



POLICE DEPARTMENT, COUNTY OF SUFFOLK, NY
 ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
 PDCS-2008-1

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TYPE DEPARTMENT GENERAL ORDER	AUTHORITY GERALDINE HART POLICE COMMISSIONER	SIGNATURE	
SUBJECT/TOPIC/TITLE LANGUAGE ACCESS PLAN			
DISTRIBUTION ALL MEMBERS OF THE DEPARTMENT	SECTION CREATED 12/04/09	DATE EFFECTIVE 03/13/20 03/20/20	DATE AMENDED 03/13/20 03/20/20

RULES AND PROCEDURES

CHAPTER 26: TITLE: COMMUNITY RELATIONS

SECTION 5: TITLE: LANGUAGE ACCESS PLAN

I. PURPOSE

To ensure persons with Limited English Proficiency (LEP) have full access to all Department services.

II. POLICY

A. Department Personnel shall provide language assistance services in accordance with the procedures contained in this LAP.

B. No member of this Department shall inquire about or disclose, any individual's immigration status, unless such inquiry or disclosure is expressly required by law. Use of language assistance services shall not be deemed a basis for inquiring into any person's immigration status.

III. DEFINITIONS

A. Bilingual - the ability to use two languages to a level of proficiency sufficient to participate effectively in a conversation on practical, social and professional topics, and the possession of a broad vocabulary, moderate accent and the comprehension level required for a normal rate of speech.

B. Bilingual Member - a member of the Department who has been tested and certified to provide language assistance through monolingual conversation in a language other than English.

C. Department Authorized Interpreter (DAI) - a member of the Department who has been tested and certified to provide interpretation services in the performance of official duties.

D. DAI/Certified Bilingual Member List (DAI List) - a list of members of the Department who are authorized to provide interpretation services in the performance of official duties.

E. Interpretation - the act of listening to a communication in one language (source language) and orally converting it to another language (target language) by an individual possessing the distinct skills and knowledge of both languages to do so.

F. Language Assistance Tracking Data - information collected to document an interpretation or monolingual conversation. Whenever language assistance is provided, the reporting (requesting) officer shall complete all Language Assistance fields within the Online or Incident Reporting Systems as applicable (ORS/IRS).

G. Language Access Coordinator (LAC) - the Commanding Officer of the Community Relations Bureau (CRB) is designated as the Police Department Language Access Coordinator.

H. Language Access Plan - a roadmap that explains how the Department will provide police services to persons with Limited English Proficiencies (LEP).

I. Language Assistance Services - assistance provided by a member of the Department in the form of interpretation, translation, or monolingual conversation in a language other than English.

J. Language Line Solutions - the contracted telephonic interpretation service that provides 24 hour access to interpreters in over 200 languages.

K. Lima Report - statistical analysis of language assistance provided by members of the Department, including at minimum:

1. comparisons of the number and disposition of Lima calls between each precinct and Departmental aggregate;
2. a list of incomplete entries by officer;
3. a list of Lima call case numbers by officer; and,
4. a compliance ratio for officers handling Lima calls.

L. Limited English Proficiency - individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP designations are context specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations. For example, an individual may possess sufficient English language skills to explain a motor

vehicle accident, but may find these skills insufficient to describe the circumstances of a domestic dispute.

M. Primary Language - the language in which an individual most effectively communicates. Department personnel should avoid assumptions about an individual's primary language, and make every effort to ascertain an individual's primary language to ensure effective communication.

N. Source Language - the language of the original document or the principal speaker.

O. Target Language - the language into which someone translates or interprets.

P. Temporary Interpreter - any member of the Department, or the general public, who is bilingual and capable of interpreting from the applicable source language into the required target language.

Q. Translation - the replacement of written text from the source language into an equivalent written text in the target language by an individual possessing the distinct skills and knowledge of both languages to do so.

IV. REFERENCES

A. DOJ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting LEP Individuals, 67 Fed.Reg 41455 (2002)

B. American Translators Association Code of Ethics and Professional Practice

C. WWW.LEP.GOV

V. RULES AND REGULATIONS

N/A

VI. PROCEDURES

A. Language Access Coordinator (LAC) Responsibilities

1. Coordinate and implement all aspects of language assistance services; and,
2. Create, maintain, distribute and annually update the LAP.

3. Identify LEP populations that will likely require language assistance services by reviewing:
 - a. Departmental records, including documentation of interpretations performed by Department personnel;
 - b. Language Line Solutions billing statements;
 - c. Information from organizations such as school districts, hospitals and advocacy groups; and,
 - d. Information contained in the United States Census Bureau's American Communities Survey.
4. Audit a random selection of ten percent of the Language Assistance Tracking Data each quarter to ensure:
 - a. The required information is being recorded accurately and completely;
 - b. The proper interpretation protocols are being followed;
 - c. Temporary interpreters are not used improperly;
 - d. Interpretation assets are deployed properly; and,
 - e. Deficiencies are referred back to the Commanding Officer of the reporting member.
5. Coordinate the publication of a comprehensive annual report on the Department's Language Assistance Services with the Police Commissioner's Office.
6. Notify the public that Language Assistance Services are available free of charge.
7. Create and maintain a list of vital documents:
 - a. translate vital documents into Spanish and other relevant languages as identified in the LAP;
 - b. identify additional languages into which vital documents must be translated; and,
 - c. identify additional documents or other information that must be translated.

8. Procure and physically inspect signage posted in public areas of police facilities. The LAC shall:

a. ensure signage is translated into Spanish and other relevant languages;

b. ensure signage and notices on the Department's web page advises that:

(1) Interpreters are available free of charge; and,

(2) Written forms and documents are available in languages other than English; and,

c. ensure Language Identification Charts are posted in all public facilities and maintained in all sector cars.

9. Represent the Department in its partnership with leaders from the Latino community and other LEP communities to ensure effective implementation of the LAP.

10. Coordinate the community survey with the contracted provider. The LAC will:

a. ensure that the survey instrument gauges the effectiveness of the LAP in the Latino community;

b. analyze the results of each survey and implement measures to improve the LAP and community engagement; and,

c. publish survey results in an annual report.

B. Commanding Officers' Responsibilities

1. Ensure that required signage, vital documents and other information are posted and visible and accessible to the general public entering their facility.

2. Ensure that personnel enter all appropriate Language Assistance Tracking data when utilizing any language assistance services.

3. Review quarterly Lima Reports received from the Chief of Patrol.

a. take necessary action to:

(1) identify officers with incomplete entries;
and,

(2) identify officers who fail to provide
language services where required.

b. take remedial action as necessary; and,

c. submit a response to the Chief of Patrol
detailing review and actions taken.

C. Chief of Patrol Responsibilities

1. Receive and disseminate Lima Reports to the Commanding
Officers of each Precinct and Highway Patrol Bureau.

2. Provide the Police Commissioner a report summarizing the
responses received from each subordinate command.

D. Police Commissioner's Office Responsibilities

1. Provide statistical analysis of the provision of
Language Assistance.

2. Create Lima Reports and disseminate to Chief of Patrol.

E. Internal Affairs Bureau Responsibilities

1. Internal Affairs Bureau (IAB) will investigate all
complaints alleging denial of language access services.

2. IAB will conduct monthly audits to determine if
language assistance services are provided in accordance
with this Chapter.

a. Investigators will identify "Lima" calls handled
the previous month and contact those complainants to
determine if:

(1) The complainant received required/requested
services'; and,

(2) If the complainant was satisfied with that
service.

b. IAB will forward the results of this audit to
the Chief of Patrol for action. Records of all
actions taken will be maintained by IAB.

F. All Members' Responsibilities

1. Adhere to the procedures contained in this Section.
2. Immediately report to their supervisor any member of the Department who has wrongfully denied anyone language assistance services.

G. Provision of Language Assistance Services - Members will provide free language assistance to all individuals in need of such assistance.

1. Language Line Solutions - All members have access to Language Line 24 hours a day, seven days a week:

a. Dual handset Language Line telephones are available at most Department facilities; and,

b. Preprogrammed cell phones are deployed in over 30 patrol units throughout the police district and 190 patrol units are equipped with VoIP enabled tablet computers.

2. Vital documents which are not available in a complainant's primary language shall be read to the complainant using applicable interpretation services.

3. Procedure for Providing Interpretation Services to 9-1-1 Callers

a. When a 9-1-1 operator determines that a caller is a LEP, the operator shall ascertain the caller's primary language.

(1) If the operator determines that the caller's primary language is Spanish, the operator shall patch the call directly to a Spanish speaking operator. If no Spanish speaking operator is available, the operator shall utilize Language Line.

(2) If the operator determines that the caller's primary language is other than Spanish, the operator will immediately call Language Line.

(3) The operator will note in the CAD "remarks" section that the caller is LEP, will specify the caller's language, and will assign an "L" designation to the call.

- b. Dispatchers will make every effort to dispatch a DAI or a bilingual officer, as available, to calls involving LEP individuals.
- c. The reporting officer must complete the Language Assistance Tracking data in ORS when assigned an "L call" whether or not language assistance was provided.

4. Procedure for Providing Interpretation Services in the Field

a. All members of the Department who must communicate with an individual whose primary language is not English shall determine if the individual is LEP.

b. If the individual is LEP the responding officer shall then determine the individual's primary language, using Language Identification Cards, PDCS-7044, if necessary.

c. If the responding officer is designated as a Bilingual Officer or DAI in the LEP's primary language, the officer may engage the LEP in monolingual conversation.

(1) If the responding officer determines at any point that they do not possess sufficient language skills to provide service, that officer shall provide language assistance as described below in paragraph "d."

(2) A responding officer who is a DAI or Bilingual Officer shall enter all Language Assistance Tracking Data into ORS/IRS.

d. If the responding officer is **not** designated as a Bilingual Officer or a DAI in the LEP's primary language, the responding officer shall:

(1) Determine if exigent circumstances are present using any means at their disposal.

(2) If exigent circumstances are **not** present, request language assistance from the Communications Section.

(a) The Communications Section shall determine if a DAI or Bilingual Officer/Member is available.

(b) If no DAI or Bilingual Officer/Member is available, the Communications Section will advise the responding officer to utilize Language Line.

(c) If a DAI is assigned to assist, that DAI may provide interpretation services to the responding officer.

(d) If a Bilingual Officer/Member is assigned to assist, that officer/member may communicate with the LEP individual in order to assist the responding officer handling the call.

(3) Enter all Language Assistance Tracking Data into ORS/IRS.

e. Exigent Circumstances - In dangerous or rapidly developing situations personnel may temporarily use any available interpreter.

(1) Temporary interpreters may include any bilingual bystanders, including family members of the LEP individual. When using a temporary interpreter, responding officers should:

(a) Consider the chosen interpreter's apparent proficiency in both source and target languages, and any apparent bias, personal interest, or confidentiality issues.

(b) Develop and ask all questions. Under no circumstances will a temporary interpreter be permitted to independently question an LEP individual.

(c) Evaluate the conduct of the temporary interpreter for signs of poor interpretation such as:

(1.) When the interpreter's statements are considerably longer or shorter than those of the LEP individual;

(2.) When the interpreter engages in multiple side conversations with either the LEP individual or the responding officer;

(3.) When the LEP individual appears to get frustrated, or opts to speak broken English despite the efforts of the interpreter.

(d) Discontinue the use of any temporary interpreter that is performing poorly.

(e) Only use children as temporary interpreters as a last resort. Using children exposes them to potential emotional harm and can result in damaging their familial relationships once the police have left. Children may also render inaccurate information in an effort to protect member(s) of their family.

(2) Duration of the Exigency - When the circumstances giving rise to the exigency have passed, responding officers shall determine whether a continued need for interpretation services exists.

(a) If police service has been or can be fully rendered based upon the information already received from the LEP individual, no need for further interpretation services exists.

(b) If police service cannot be fully rendered based upon the information relayed by the temporary interpreter, the responding officer shall utilize language services as detailed above in 3(d).

(3) Documentation of use of Temporary Interpreters - the reporting officer shall enter all Language Assistance Tracking Data regarding the Temporary Interpreter into ORS/IRS.

5. Interrogation, Interviews, and Complaints

a. Whenever a written statement must be taken from an individual with LEP:

(1) If a DAI or Language Line is utilized, the investigating officer shall record the statement;

(2) If a Bilingual Member is utilized, that member will record the statement.

(3) The Department member taking the statement will read it back to the LEP individual in their primary language to confirm its accuracy.

b. Criminal Suspects with LEP

(1) Any written statement taken from a LEP suspect must be taken by utilizing a DAI or a Bilingual Member. If neither is available the investigating officer will utilize Language Line.

(a) *Miranda* warning forms will be given and read in the suspect's primary language.

(b) When preparing an interrogation or interview for an associated agency, members of the Department may utilize an interpreter designated by that agency.

(2) Members of the Department who utilize a DAI or Bilingual Member when taking a suspect's statement shall record within that statement and in ORS/IRS:

(a) The date, time and location of the statement;

(b) The DAI or Bilingual Officer/Member name, rank and command; and,

(c) The source and target languages.

(d) That the statement was read back to the LEP individual in their primary language.

(3) Members of the Department who utilize Language Line when taking a suspect's statement shall record within that statement and in ORS/IRS:

(a) The date, time and location of the statement;

(b) The name, contact information and Identification Number of the interpreter; and,

(c) The source and target languages.

(d) That the statement was read back to the LEP individual in their primary language.

c. Victims and Witnesses with LEP

(1) All written statements shall be taken utilizing language assistance.

(2) The name and contact information for the interpreter utilized, along with the date, time, location, source and target languages, and Language Line Interpreter Identification Number if applicable, and that the statement was read back to the LEP individual in their primary language will be recorded within the victim /witness statement, and entered into ORS/IRS.

d. Complaints Against Department Personnel

(1) Any LEP individual that wishes to file a complaint against any member of the Department for any reason shall be provided language assistance in their primary language.

(2) The member of the Department taking the complaint shall record the name and contact information for the interpreter utilized, along with the date, time, location, source and target languages, and Language Line Interpreter Identification Number if applicable, and that the statement was read back to the LEP individual in their primary language into ORS/IRS.

(3) The disposition of all complaints shall be provided to the LEP complainant in his or her primary language.

H. Translation Services

1. The Community Relations Bureau (CRB) shall oversee all translation functions within the Department.
 - a. CRB shall maintain a list of Department members authorized to perform translations.
 - b. CRB shall coordinate all translation services provided by contract vendors.
 2. Members receiving correspondence in a language other than English shall contact CRB for translation assistance.
 - a. CRB shall utilize available Department Authorized Translators before sending correspondence out to contract vendors.
 - c. The Commanding Officer of the Internal Affairs Bureau, or designee, may coordinate directly with Department Authorized Translators, or outside vendors to preserve the confidentiality of correspondence when necessary.
 - d. All translations shall occur within seven days of receipt of the original correspondence.
 3. Compliment/Complaint Information Reports, PDCS-1300-1, in languages other than English will indicate on the form that:
 - a. Interpretation services are available at no cost at all Police facilities or over the phone; and
 - b. The Internal Affairs Bureau maintains a dedicated telephone number for Spanish speaking complainants.
- I. Training - The Department will conduct annual training on LEP policies and procedures for all members.
1. Responsibilities
 - a. The Language Access Coordinator will coordinate with the Police Academy Bureau to create and update a comprehensive training curriculum.
 - b. The Police Academy Bureau will maintain the curriculum and conduct training to include classroom

instruction, Decentralized Individualized In-Service Training (D.I.I.T.), and Department Training Bulletins.

2. The Department will provide 20 hours of Spanish Culture and Language training in its Recruit Training Program which will include all LEP policies and procedures.

3. In-Service members will receive annual training in the following:

a. How to identify the language assistance needs of an LEP individual during an in-person or telephone interaction;

b. How to access Department Authorized Interpreters, Bilingual Officers/Members, Language Line Solutions and the use of interpreters during exigent circumstances;

c. How to work with interpreters and assess interpreter quality;

d. How to account for cultural diversity and language barriers in policing; and,

e. Basic phrases, terms and commands in Spanish.

4. Sworn personnel will be issued a Spanish Language Guide Memo Book Insert, PDCS-7041, to assist them in police related situations involving LEP individuals.

5. All members must complete the Language Line D.I.I.T. film annually.

J. Qualifications

1. All members of the Department shall complete a Foreign Language Fluency Questionnaire, PDCS-7043, detailing their proficiency in any languages other than English as part of their new-hire processing. The Supervisor of the Personnel Section shall maintain this information in the Personnel System.

2. The LAC shall compile and maintain the listing of DAIs and Bilingual Members in ORS/IRS

3. Skill Certifications

a. Members of the Department seeking inclusion on the DAI/ Bilingual Member list will make a request for inclusion to the LAC.

b. The LAC will schedule skills testing via the contract vendor. Tests will be scheduled on an as needed basis and will evaluate the member's:

- (1) Fluency in English and the tested language;
- (2) Knowledge of basic police terminology;
- (3) Accuracy of interpreting;
- (4) Attentive listening;
- (5) Information retention;
- (6) Ability to follow instructions; and
- (7) Role of the interpreter and ethical considerations.

c. Members obtaining certification from the vendor will be placed on the appropriate list.

d. Members who are unable to obtain certification will be eligible to re-test at the LAC's discretion.

e. The LAC shall monitor and schedule re-certification tests for each member on the list.

(1) Members who do not pass re-certification shall be removed from the list.

(2) Any member unable to pass re-certification shall be permitted to schedule a re-test at the discretion of the LAC.

f. DAIs seeking certification as translators will make a request to the LAC.

(1) The LAC will schedule translator certification tests with the designated contract vendor on an as-needed basis.

(2) DAIs passing the designated translation skills test shall be designated as "Translators" on the DAI list.

(3) The LAC shall schedule re-certification tests of each member designated as a "Translator". Members who do not pass re-assessment shall have the "Translator" designation removed.

VII. ACCREDITATION

A. NYSLEAP

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