



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

**ORDER NUMBER 18-17**

TYPE DEPARTMENT GENERAL ORDER	AUTHORITY STUART K. CAMERON ACTING POLICE COMMISSIONER	SIGNATURE		
SUBJECT/TOPIC/TITLE LANGUAGE ACCESS PLAN				
DISTRIBUTION ALL MEMBERS OF THE DEPARTMENT	SECTION CREATED 12/04/15	DATE EFFECTIVE 03/02/18	DATE AMENDED 03/02/18	

**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. The diverse population served by the Department includes many individuals with LEP. This Language Access Plan (LAP) will detail the measures taken to provide all residents of Suffolk County with equal access to police service. The Department will update this Plan annually to address the changing language needs of the population.

B. Department Personnel shall provide all members of the public with equal access to police service in accordance with the Bias Free Policing policy contained in Rules and Procedures Chapter 1, Section 11. Department personnel shall also inform members of the public that language assistance services are available to them free of charge.

C. 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.

D. This plan will be available at all Department facilities open to the public, and shall be posted on the Department's website. It will also be distributed throughout Suffolk County as broadly and inclusively as possible.

### **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 Officer/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. Department Authorized Interpreter List (DAI List) - a list of members of the Department who are authorized to provide interpretation services in the performance of official duties. The Language Access Coordinator shall create and maintain this list and provide access to the Communications Section supervisor on duty.

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 conducted pursuant to this Chapter.

1. Whenever language assistance is provided, the reporting (requesting) officer shall complete all Language Assistance fields within the Online Reporting System (ORS).

2. Whenever ORS is unavailable or not required, a Language Assistance Tracking Form (PDCS-7042) shall be completed by the reporting (requesting) officer. The completed form will be submitted to the reporting officer's supervisor, and the endorsed form will then be forwarded to the officer's administration office for entry into the online database.

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 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. 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.

L. 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.

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

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

O. 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.

P. 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. Determining LEP Populations and Language Needs - In order to provide the best language assistance possible, the Department must identify the languages most likely to be encountered by its personnel.

1. Identifying relevant need for language assistance

a. The United States Census Bureau's American Community Survey has identified the following six most common non-English languages which are spoken by individuals within Suffolk County: Spanish, Mandarin Chinese, Polish, Italian, Portuguese and Haitian Creole.

b. The demand for telephonic interpretation services experienced by the Department during 2017 reflected the following needs; 92% for Spanish, 2.7% for Mandarin Chinese, 1.3% for Haitian Creole, 0.6% for Polish, 0.5% for Turkish, and 0.4% for Russian.

2. The Language Access Coordinator is responsible for creating, maintaining, updating and distributing this LAP.

a. Duties and responsibilities of the LAC regarding the LAP are contained in Chapter 26, Section 1, Community Relations Function.

b. The LAC shall redistribute the LAP anytime a significant change is made thereto.

3. Monitoring, Assessing and Updating Language Assistance Efforts

a. The LAC is responsible for coordinating and implementing all aspects of language assistance services.

b. The LAC shall be responsible for collecting LEP information through:

- (1) Departmental records;

(2) Billing statements and receipts submitted by Language Line Solutions;

(3) DAI's and other in-person service providers.

c. The LAC shall assess demographic data, review Language Line data, and consult with community-based organizations such as local school districts and hospitals on an annual basis in order to determine:

(1) Additional languages into which vital documents should be translated.

(2) Additional documents or other information that should be translated.

(3) If the Department is providing effective, accurate and meaningful access to police services.

d. The LAC shall review a random selection of ten percent of the Language Assistance Tracking Data completed each quarter to ensure:

(1) The required information is being recorded accurately and completely.

(2) The proper interpretation protocols are being followed.

(3) Temporary interpreters are not used improperly.

(5) Interpretation assets are deployed properly.

(6) All deficiencies are referred back to the Commanding Officer of the reporting member.

e. The LAC shall provide the Police Commissioner an assessment of LEP services on an annual basis.

4. The Department's Internal Affairs Bureau (IAB) will investigate all language access complaints, and will also review all complaints received in a language other than English.

- a. IAB will periodically request a list of 9-1-1 calls which require the use of Language Line.
- b. Investigators will randomly select a predetermined number of 9-1-1 calls to audit.

5. If any member of the Department believes a DAI or Bilingual Officer/Member is engaging in behavior which denies access to an LEP individual, such member will immediately report such information to their supervisor in an Internal Correspondence (PDCS-2042). Such correspondence shall be forwarded through the immediate supervisor's chain of command to IAB.

6. The LAC will represent the Department in its partnership with Latino community leaders as well as leaders from other communities with significant LEP populations to ensure effective implementation of the LAP. The Community Relations Bureau will address community concerns about the Plan as well as offer ideas and strategies for ensuring language access. The CRB will conduct reviews to evaluate the plan's effectiveness, accuracy and quality.

- a. CRB will conduct a quarterly survey of Latino and other advocacy groups to gauge the effectiveness of the LAP.
- b. CRB will analyze the results of each survey and implement measures to improve the plan.
- c. CRB will publish an annual report detailing the survey, its results and actions taken in response.

B. Notifying the Public about Language Services

1. Signage and Vital Documents

a. Signage shall be conspicuously posted at the public entry points of all Department facilities, and on the home page of the Department's website stating in English, Spanish and other relevant languages that:

(1) Interpreters are available free of charge.

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

b. The Department has identified the following Vital Documents:

- (1) How to Obtain a Police Report, (PDCS-8100)
- (2) Family Offense Assistance and Court Procedures, (PDCS-7109)
- (3) What to do When Stopped by the Police, (PDCS-7148)
- (4) Missing Person Guidelines
- (5) Special Needs/Silver Alert Program, (PDCS-8060)
- (6) Crime Victim Information Report, (PDCS-8105)
- (7) Compliment/Complaint Information Report, (PDCS-1300-1)
- (8) Mental Health Assistance Notification, (PDCS-7146)

c. Physical signage, website notices and vital documents shall be printed in English, Spanish, and other relevant languages as identified by the LAC.

(1) Language Identification Charts shall be posted at all public police facilities and maintained in all sector cars.

(2) Documents submitted in a non-English language shall be translated as provided herein.

(3) In the case of illiteracy or languages in which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary language through an available DAI or the Language Line.

## 2. Community Relations Bureau Responsibilities

a. The LAC shall procure the required signage in the required languages and arrange for delivery to each Department facility upon request of its Commanding Officer.

b. The LAC, or designee, shall physically inspect each Department facility to ensure the required signage and literature is posted and/or available.

## 3. Commanding Officer Responsibilities

a. Commanding Officers shall ensure that the above referenced signage and literature are posted and visible to the general public.

b. Commanding Officers shall ensure that subordinate personnel enter all appropriate Language Assistance Tracking Data when utilizing any language assistance services, to include Bilingual Members who engage in monolingual conversation in a language other than English.

C. 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 the Language Line service 24 hours a day, seven days a week.

a. Dual handset Language Line telephones are available to the public at: the Front desk of every Precinct and Headquarters; Crime Section and Detective Squad in every Precinct; Airport Operations Section; public window of Central Records Section; Domestic Violence Section; Hate Crimes Section; Homicide Section; Internal Affairs Bureau; Marine Bureau desk; Marine Bureau - Fire Island (two phones); Pistol Licensing Bureau; Police Academy Bureau (West); Special Victims Section; Special Patrol Bureau.

b. Cell phones programmed to automatically dial the Language Line are deployed in the following patrol units:

(1) First Precinct - 102, 106, 108, 114, 117

(2) Second Precinct - 202, 202A, 203, 205, 206, 209, 217, 221

(3) Third Precinct - 302, 303, 310, 312, 316, 318, 321, 322, 323

(4) Fourth Precinct - 404, 406, 410, 417

(5) Fifth Precinct - 502, 509, 510, 512, 513, 515

(6) Sixth Precinct - 610, 613, 618, 619



(7) Seventh Precinct - 702, 708, 714

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

a. When a 9-1-1 operator determines that a caller is 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 has LEP, will specify the caller's language, and will assign an "L" designation to the call.

(4) The operator is not required to fill out a Language Assistance Tracking Form (PDCS-7042).

b. Dispatchers will make every effort to dispatch a DAI or a bilingual officer, as available, to calls involving LEP individuals.

3. 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 individual's

primary language, the responding officer may engage the individual 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 request language assistance from the Communications Section as described below in paragraph "d."

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

d. If the responding officer is **not** designated as a Bilingual Officer/Member 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 in ORS.

e. Exigent circumstances - personnel who must communicate with LEP individuals in dangerous or

rapidly developing situations may temporarily use any available interpreter.

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

(a) Consider the chosen interpreter's apparent proficiency in both the source and target languages, and shall also consider 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) Only use children as temporary interpreters as a last resort.

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

(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 can be rendered based upon the information already received from the LEP individual, no need for further interpretation services exists.

(b) If police service cannot be rendered based upon the information relayed by the temporary interpreter, the responding officer shall request language assistance from the Communications Section.

(c) For the purposes of this Section, police service cannot be rendered if at any time the responding officer determines that the quality of interpretation is suspect.

(3) Documentation of use of temporary interpreters - Whenever information is obtained through the use of a temporary interpreter, responding officers shall enter all Language Assistance Tracking Data into ORS.

4. Interrogation, Interviews, and Complaints

a. Criminal suspects with LEP

(1) Any written statement taken from a LEP suspect must be taken with the assistance of a DAI or by a Bilingual Officer/Member. If neither is available in the LEP's primary language, the sworn member taking the statement will utilize Language Line.

(a) Miranda warning forms will be given and read to the LEP suspect in his or her primary language. If no form exists in that language, or the LEP suspect is illiterate, Miranda warnings will be read to the suspect using a DAI, Bilingual Officer/Member, or the Language Line.

(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 Officer/Member when taking a suspect's statement or confession shall, in addition to completing a Language Assistance

Tracking Form (PDCS-7042), record within that statement:

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

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

(c) The source and target languages

(3) Members of the Department who utilize Language Line when taking a suspect's statement or confession shall, in addition to completing a Language Assistance Tracking Form (PDCS-7042), record within that statement:

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

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

(c) The source and target languages

b. Victims and witnesses with LEP

(1) Any statement that will provide an evidentiary basis for an arrest or prosecution shall be taken utilizing a DAI or Bilingual Officer/Member.

(2) If neither is available in the LEP's primary language, the Language Line shall be utilized.

(3) 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, will be recorded within the victim or witness statement, and entered into ORS.

c. Complaints against Department personnel

(1) Any LEP individual that wishes to file a complaint against any Department personnel for any reason shall be provided assistance in their primary language by a DAI, Bilingual

Officer/Member or if none is available, by utilizing the Language Line.

(2) The member of the Department taking the complaint shall complete a Language Assistance Tracking Form (PDCS-7042).

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

5. Translation Services

a. The Community Relations Bureau shall oversee all translation functions within the Department.

(1) The CRB shall maintain a list of Department members authorized to perform translations as described herein.

(2) The CRB shall coordinate all translation services provided by contract vendors.

b. Members receiving correspondence in a language other than English shall contact the CRB for translation assistance.

(1) The CRB shall utilize Department Authorized Translators before sending correspondence out to contract vendors.

(2) The Commanding Officer of the Internal Affairs Bureau, or designee, may coordinate directly with Department Authorized Translators, or outside contract vendors to preserve the confidentiality of correspondence when necessary.

(3) All translations shall occur within seven days of receipt of the original correspondence. All completed translations will be forwarded to the requesting command immediately upon receipt.

6. Compliment/Complaint Information Reports (PDCS-1300-1) which are 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.

D. Training - The Department will conduct annual training on LEP policies and procedures for all members which will include

classroom instruction, Decentralized Individualized In-Service Training (DIIT), and Department Training Bulletins.

1. Responsibilities

a. The Language Access Coordinator will create and update a comprehensive training curriculum in accordance with the LAP and, in partnership with local community groups and the Police Academy, shall provide interpretation training opportunities to members on the DAI list.

b. The Police Academy Bureau will maintain the curriculum and conduct training.

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

3. In-service members, both sworn and civilian, 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.

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. Annually, all members are also required to complete a short DIIT film on the use of Language Line.

E. 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.

a. The Supervisor of the Personnel Section shall maintain an inventory of all language skills identified by members of the Department.

b. The LAC shall compile and maintain a list of DAIs and Bilingual Officer/Members, and provide this list to the Communications Section where it will be made accessible to the supervisor on duty.

2. Skill Certifications

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

b. The LAC will schedule skills testing via the designated 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
- (7) Role of the interpreter and ethical considerations

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

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

e. The LAC shall schedule re-certification tests for each member on the DAI and Bilingual Officer/Member list.

- (1) Members who do not pass re-certification shall be removed from the DAI/Bilingual Officer/Member 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 additional certification as translators will request certification from 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

**VII. INDEX**

Language Access Coordinator - 26/5

Language Access Plan - 26/5

Language Assistance Tracking Form (PDCS-7042) - 26/5

Limited English Proficiency - 26/5

**END**