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## Limited English Proficiency Services

### 333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 333.1.1 DEFINITIONS

Definitions related to this policy include:

**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.

**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.

**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.

**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.

**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.

**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). If access to ORS/IRS is not available, the Language Assistance Tracking (PDCS-7042) shall be utilized.

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

**Language Access Plan** - A roadmap that explains how the Department will provide police services to persons with limited English Proficiency (LEP).

**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.

**Language Line** - The contracted telephonic interpretation service that provides 24 hour access to interpreters in over 200 languages.

**Lima Call** - A call made to the Department 9-1-1 center that is designated by the call taker as apparently needing language assistance services.

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**Lima Report-** Statistical analysis of language assistance provided by members of the Department, including at minimum:

- (a) Comparisons of the number and disposition of Lima calls between each precinct and Departmental aggregate
- (b) A list of incomplete entries by officer
- (c) A list of Lima call case numbers by officer
- (d) A compliance ratio for officers handling Lima calls

**Limited English Proficiency (LEP)** - 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.

**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.

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

**Target Language** - The language into which someone translates or interprets.

**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.

**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.

### **333.2 POLICY**

This policy serves as the Department's Language Access Plan (LAP) and contains the procedures for providing Language Assistance Services to all residents of Suffolk County who require or request police service. It shall be updated annually and made available on the Department's website, in print at all facilities open to the public and distributed throughout the police district.

Department personnel shall provide language assistance services in accordance with the procedures contained in this LAP and shall make residents aware that such services are available to them free of charge.

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.

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### 333.3 REFERENCES

- (a) U.S. Department of Justice (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](http://WWW.LEP.GOV)

### 333.4 COMMAND AND PERSONNEL RESPONSIBILITIES

#### 333.4.1 LANGUAGE ACCESS COORDINATOR (LAC) RESPONSIBILITIES

The LAC is responsible to :

- (a) Coordinate and implement all aspects of language assistance services;
- (b) Create, maintain, update and distribute the LAP, and identify:
  - 1. Additional languages into which vital documents must be translated
  - 2. Additional documents or other information that must be translated.
- (c) Identify LEP populations that will likely require language assistance services by reviewing:
  - 1. Departmental records, including documentation of interpretations performed by Department personnel
  - 2. Language Line Solutions billing statements
  - 3. Information obtained from community based organizations such as school districts, hospitals and advocacy groups
  - 4. Information contained in the United States Census Bureau's American Communities Survey.
- (d) Audit 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.
  - 4. Interpretation assets are deployed properly.
  - 5. Deficiencies are referred back to the Commanding Officer of the reporting member.
- (e) Provide the Police Commissioner a comprehensive annual report on the Department's language assistance services.
- (f) Notify the public about Language Assistance Services.
- (g) Oversee the creation and maintenance of signage and vital documents.
  - 1. The list of vital documents will be created and maintained by the LAC

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2. Signage, website notices and vital documents shall be printed in English, Spanish, and other relevant languages as identified by the LAC.
  3. Signage and Language Identification Charts 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 interpreters are available free of charge and that written forms and documents are available in languages other than English.
  4. Language Identification Charts shall be posted in all public facilities and maintained in all sector cars.
  5. The LAC shall procure the required signage in the required languages and arrange for delivery to each Department facility.
  6. On a quarterly basis the LAC, or designee, shall physically inspect each Department facility to ensure the required signage and literature is posted and/or available.
  7. Documents not available in an LEP's preferred language shall be read to the LEP individual in their preferred language utilizing a DAI, Bilingual member or the Language Line.
- (h) Represent the Department in its partnership with leaders from the Latino community and other communities with significant LEP populations in order to ensure effective implementation of the LAP.
1. The LAC will conduct a quarterly survey of the Latino community to gauge the effectiveness of the LAP.
  2. The LAC will analyze the results of each survey and implement measures to improve the plan.
  3. Results of the survey will be published in an annual report.

### 333.4.2 OFFICE OF THE POLICE COMMISSIONER RESPONSIBILITIES

The Office of the Police Commissioner shall:

- (a) Provide statistical analysis of the provision of language assistance.
- (b) Create Lima reports and disseminate them to the Chief of Patrol.

### 333.4.3 COMMANDING OFFICER RESPONSIBILITIES

Commanding Officers shall:

- (a) Ensure that the required signage, vital documents and other information are posted and visible to the general public entering their facility.
- (b) Ensure that subordinate personnel enter all appropriate Language Assistance Tracking Data when utilizing any language assistance services.
- (c) Review quarterly Lima Reports received from the Chief of Patrol and:
  1. Take necessary action to identify officers with incomplete entries.

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2. Take necessary action to identify officers who fail to provide language services where required.
3. Take remedial action as necessary.
4. Submit a response to the Chief of Patrol detailing reviews and actions taken.

### **333.4.4 INTERNAL AFFAIRS BUREAU RESPONSIBILITIES**

The Internal Affairs Bureau (IAB) shall:

- (a) Investigate all complaints alleging denial of language access services.
- (b) Conduct monthly audits to determine if language assistance services are provided in accordance with this policy.
  1. Investigators shall identify Lima calls handled the previous month and contact those complainants to determine if the complainant received required/requested services, and if the complainant was satisfied with that service.
  2. IAB shall forward the results of this audit to the Chief of Patrol for action. Records of all actions taken shall be maintained by IAB.

### **333.4.5 ALL MEMBERS' RESPONSIBILITIES**

All members of the Department shall:

- (a) Adhere to the procedures contained in this Section.
- (b) Immediately report to their supervisor any member of the Department who has wrongfully denied anyone language assistance services.

## **333.5 PROVISION OF LANGUAGE ASSISTANCE SERVICES**

Members shall provide free language assistance to all individuals in need of such assistance.

### **333.5.1 LANGUAGE LINE SOLUTIONS**

- (a) All members have access to the Language Line service 24 hours a day, seven days a week.
- (b) Dual handset Language Line telephones are available to the public at:
  1. The front desk of every Precinct and Headquarters
  2. Crime Section and Detective Squad in every Precinct
  3. Airport Operations Section
  4. Public window of Central Records Section
  5. Domestic Violence Section
  6. Hate Crimes Section
  7. Homicide Section
  8. Internal Affairs Bureau
  9. Marine Bureau desk

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10. Marine Bureau – Fire Island (two phones)
  11. Pistol Licensing Bureau
  12. Police Academy Bureau (West)
  13. Special Victims Section
  14. Special Patrol Bureau
- (c) Cell phones programmed to automatically dial Language Line and VoIP-enabled tablet computers programmed to access Language Line are deployed in numerous patrol units throughout the police district.

### 333.5.2 PROCEDURE FOR PROVIDING INTERPRETATION SERVICES TO 9-1-1 CALLERS

- (a) When a 9-1-1 operator determines that a caller has 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 Computer Aided Dispatch system "remarks" section that the caller has 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.

### 333.5.3 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 the Language Identification Memorandum Book Insert (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. 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
1. A responding officer who is a DAI or Bilingual Officer shall enter all Language Assistance Tracking Data into ORS/IRS. If access to ORS/IRS is not available, the Language Assistance Tracking (PDCS-7042) shall be utilized.
- (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:

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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.
  3. The Communications Section shall determine if a DAI or Bilingual Officer/Member is available.
  4. If no DAI or Bilingual Officer/Member is available, the Communications Section will advise the responding officer to utilize Language Line.
  5. If a DAI is assigned to assist, that DAI may provide interpretation services to the responding officer.
  6. 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. All language assistance tracking data shall be entered into the Online Reporting System and Incident Reporting System (ORS/IRS). If access to ORS/IRS is not available, the Language Assistance Tracking (PDCS-7042) shall be utilized.
- (e) Under exigent circumstances, personnel who must communicate with LEP individuals in dangerous or rapidly developing situations may temporarily use any available interpreter. Temporary interpreters may include bilingual bystanders, including friends and family members of the LEP individual. When using a temporary interpreter, responding officers shall:
1. 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.
  2. Develop and ask all questions. A temporary interpreter shall not be permitted to independently question an LEP individual.
  3. Evaluate the conduct of the temporary interpreter for signs of poor interpretation such as the interpreter's statements being considerably longer or shorter than those of the LEP individual, the interpreter engaging in multiple side conversations with either the LEP individual or the responding officer, or the LEP individual appearing frustrated, or opting to speak broken English despite the efforts of the interpreter.
  4. Only utilize 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.
  5. Discontinue the use of any temporary interpreter that is performing poorly.
- (f) When the circumstances giving rise to the exigency have passed, responding officers shall determine whether a continued need for interpretation services exists.
1. If police service can be rendered based upon the information already received from the LEP individual, no need for further interpretation services exists.

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2. 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. For the purposes of this policy, police service cannot be rendered if at any time the responding officer determines that the quality of interpretation is suspect.
3. Whenever information is obtained through the use of a temporary interpreter, responding officers shall enter all Language Assistance Tracking Data into ORS/ IRS. If access to ORS/IRS is not available, the Language Assistance Tracking (PDCS-7042) shall be utilized.

**333.6 INTERROGATION, INTERVIEWS, AND COMPLAINTS** Whenever a written statement must be taken from an individual with LEP:

- (a) If a DAI or Language Line is utilized, the investigating officer shall record the statement.
- (b) If a Bilingual Member is utilized, that member will record the statement.
- (c) The Department member taking the statement shall read it back to the LEP individual in their primary language to confirm its accuracy.

### 333.6.1 CRIMINAL SUSPECTS WITH LEP

- (a) Any written statement taken from a LEP suspect must be taken utilizing a DAI or a Bilingual Member. If neither is available the investigating officer shall utilize Language Line.
  1. Miranda warning forms shall be given and read in the suspect's primary language, utilizing a DAI, Bilingual Member, or the Language Line.
  2. When conducting an interrogation or interview for an associated agency, members of the Department may utilize an interpreter designated by that agency.
- (b) 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:
  1. The date, time and location of the statement.
  2. The DAI or Bilingual Officer/Member name, rank and command.
  3. The source and target languages.
  4. If access to ORS/IRS is not available, the Language Assistance Tracking (PDCS-7042) shall be utilized.
  5. That the statement was read back to the LEP individual in their primary language.
- (c) Members of the Department who utilize Language Line when taking a suspect's statement shall record within that statement and in ORS/IRS:
  1. The date, time and location of the statement.
  2. The name, contact information and Identification Number of the interpreter.
  3. The source and target languages.



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4. If access to ORS/IRS is not available, the Language Assistance Tracking (PDCS-7042) shall be utilized.
5. That the statement was read back to the LEP individual in their primary language.

### **333.6.2 VICTIMS AND WITNESSES WITH LEP**

All written statements shall be taken utilizing language assistance.

- (a) 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 /witness statement, and entered into ORS/IRS. If access to ORS/IRS is not available, the Language Assistance Tracking (PDCS-7042) shall be utilized.

### **333.6.3 COMPLAINTS AGAINST DEPARTMENT PERSONNEL**

- (a) 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.
- (b) 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, into ORS/IRS. If access to ORS/IRS is not available, the Language Assistance Tracking (PDCS-7042) shall be utilized.
- (c) The disposition of all complaints shall be provided to the LEP complainant in his or her primary language.

### **333.7 TRANSLATION SERVICES**

- (a) The Community Relations Bureau (CRB) shall oversee all translation functions within the Department.
  1. CRB shall maintain a list of Department members authorized to perform translations.
  2. CRB shall coordinate all translation services provided by contract vendors.
- (b) Members receiving correspondence in a language other than English shall contact CRB for translation assistance.
  1. 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 vendors to preserve the confidentiality of correspondence when necessary.
  3. All translations shall occur within seven days of receipt of the original correspondence.
- (c) Compliment Complaint Information Reports (PDCS-1300-1) in languages other than English will indicate on the form that:

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1. Interpretation services are available at no cost at all Police facilities or over the phone; and
2. The Internal Affairs Bureau maintains a dedicated telephone number for Spanish speaking complainants.

### **333.8 TRAINING**

- (a) The Department will conduct annual training on LEP policies and procedures for all members.
- (b) The Language Access Coordinator shall coordinate with the Police Academy Bureau to create and update a comprehensive training curriculum.
- (c) 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.
- (d) 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.
- (e) In-Service members will receive annual training in the following:
  1. How to identify the language assistance needs of an LEP individual during an in-person or telephone interaction.
  2. How to access Department Authorized Interpreters, Bilingual Officers/ Members, Language Line Solutions and the use of interpreters during exigent circumstances.
  3. How to work with interpreters and assess interpreter quality.
  4. How to account for cultural diversity and language barriers in policing.
  5. Basic phrases, terms and commands in Spanish.
- (f) Officers will be issued a Spanish Language Guide Memo Book Insert (PDCS-7041) to assist them in police related situations involving LEP individuals.
- (g) All members shall complete the Language Line Decentralized Individualized In-service Training (D.I.I.T.) film annually.

### **333.9 QUALIFICATIONS**

#### **333.9.1 FLUENCY SURVEYS**

- (a) 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.
- (b) The LAC shall compile and maintain the list of DAIs and Bilingual Members in ORS/ IRS.

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### 333.9.2 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
  - 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 retest 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.

### **333.10 FORMS**

Forms related to this policy include:

[Compliment Complaint Information Report \(PDCS-1300-1d\)](#)

[Foreign Language Fluency Questionnaire \(PDCS-7043\)](#)

[Language Assistance Tracking \(PDCS-7042c\)](#)

[Language Identification Memorandum Book Insert \(PDCS-7044\)](#)

[Spanish Language Guide Memo Book Insert \(PDCS-7041\)](#)

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# Attachments